

EXHIBIT A

(REDACTED)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

- - - - - x
BRANDON :
RUDOLPH-KIMBLE, :
Plaintiff, : Case No.
v. : 1:22-CV-2717
ROUNDY'S ILLINOIS, :
LLC d/b/a MARIANO'S, :
Defendant. :

- - - - - x

Videotaped Deposition of BRANDON RUDOLPH-KIMBLE
Chicago, Illinois
Monday, March 13, 2023
10:010 a.m.

Job No.: 483548

Pages: 1 - 119

Reported By: Courtney Petros, RPR, CSR

Transcript of Brandon Rudolph-Kimble
Conducted on March 13, 2023

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1 Deposition of BRANDON RUDOLPH-KIMBLE, held at
2 the offices of:

3
4
5 Greiman, Rome & Griesmeyer, LLC
6 205 West Randolph Street
7 Suite 2300
8 Chicago, Illinois 60606
9 312.428.2750
10
11
12
13

14 Pursuant to notice, before Courtney Petros, a
15 Certified Shorthand Reporter, Registered
16 Professional Reporter, and a Notary Public in and
17 for the State of Illinois.
18
19
20
21
22
23
24

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

BRANDON RUDOLPH-KIMBLE, PRO SE

211 East Delaware Place

Unit No. 206

Chicago, Illinois 60611

708.970.9675

ON BEHALF OF THE DEFENDANT:

CHRISTOPHER GRIESMEYER, ESQUIRE

GREIMAN, ROME & GRIESMEYER, LLC

205 West Randolph Street

Suite 2300

Chicago, IL 60606

312.428.2750

ALSO PRESENT:

Brianna Bramlett, Videographer

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By Mr. Griesmeyer	7

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(Attached to transcript.)

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins media No. 1
in the videotaped deposition of Brandon
Rudolph-Kimble in the matter of Rudolph-Kimble v.
Roundy's Illinois, LLC d/b/a Mariano's in the
United States District Court for the Northern
District of Illinois, Eastern Division.
Case No. 1:22-CV-2717.

Today's date is March 13th, 2023. The
time on the video monitor is 10:10 a.m. The
videographer today is Brianna Bramlett
representing Planet Depos. This video deposition
is taking place at 205 West Randolph Street,
Chicago, Illinois 60606.

Would counsel please voice identify
themselves and state who they represent?

MR. GRIESMEYER: Hello. This is Chris
Griesmeyer, counsel for the defendant.

THE WITNESS: And I represent myself. I
am Brandon Rudolph-Kimble. Yes.

THE VIDEOGRAPHER: The court reporter
today is Court Petros representing Planet Depos.

Would the reporter please swear in the
witness?

10:09:49

10:09:52

10:09:55

10:09:57

10:10:06

10:10:07

10:10:08

10:10:14

10:10:17

10:10:21

10:10:24

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10:10:43

10:10:45

10:10:48

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10:10:51

10:10:53

10:10:53

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Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

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1	BRANDON RUDOLPH-KIMBLE,	10:10:53
2	having been duly sworn, testified as follows:	10:10:53
3	EXAMINATION BY COUNSEL FOR THE DEFENDANT	10:11:04
4	BY MR. GRIESMEYER:	10:11:04
5	Q Could you please state and spell your name	10:11:08
6	for the record.	10:11:11
7	A My name is Brandon Rudolph-Kimble. And	10:11:12
8	it's spelled, B-R-A-N-D-O-N. Last name is	10:11:15
9	spelled, R-U-D-O-L-P-H, hyphenated, K-I-M-B-L-E.	10:11:24
10	Q Mr. Rudolph-Kimble, again, my name is	10:11:32
11	Chris Griesmeyer. I am the legal counsel for	10:11:34
12	Roundy's Illinois, LLC doing business as	10:11:37
13	Mariano's, which is the defendant in this	10:11:44
14	proceeding.	10:11:45
15	And you understand that the defendant is	10:11:46
16	your former employer, correct?	10:11:47
17	A Yes, I do.	10:11:49
18	Q Okay. And if, from time to time, I refer	10:11:50
19	to them as Mariano's or the company, you'll	10:11:52
20	understand that I'm talking about the defendant,	10:11:54
21	your former employer?	10:11:57
22	A Yes, I do.	10:11:59
23	Q Okay. And you do not have a lawyer and	10:11:59
24	representing yourself pro se; is that correct?	10:12:04

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

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1 A I am a pro se attorney today, yes. 10:12:06

2 Q Okay. So just making sure that you do not 10:12:09

3 have any sort of legal counsel other than 10:12:11

4 yourself, correct? 10:12:14

5 A That is correct. 10:12:15

6 Q And are you a lawyer yourself? 10:12:16

7 A No. 10:12:20

8 Q And do you have any formal legal training? 10:12:21

9 A I did at one point. 10:12:24

10 Q What was that? 10:12:26

11 A Just doing the paralegal. That's all. 10:12:27

12 And notarization. That's all. I'm not a lawyer. 10:12:31

13 Q Where were you a paralegal? 10:12:35

14 A I worked with a company out of Atlanta, 10:12:38

15 Georgia at one time. That was it. 10:12:45

16 Q What was the name of the company? 10:12:49

17 A I wish not to say. 10:12:50

18 Q Okay. You still need to anyways. So 10:12:52

19 we'll get to the ground rules of the deposition, 10:12:59

20 but under the Federal Rules of Civil Procedure, 10:13:01

21 you can object to a question, however -- 10:13:03

22 A Okay. 10:13:07

23 Q -- even if you object, you still have to 10:13:08

24 answer it. And the Court will rule on the 10:13:11

1 objections later. 10:13:14

2 The only time you would not be allowed or 10:13:15

3 to avoid answering a question would be if you had 10:13:18

4 independent separate legal counsel who instructed 10:13:21

5 you not to answer because of the attorney-client 10:13:24

6 privilege. Okay? 10:13:28

7 So even if you don't want to give the 10:13:29

8 answer, you still have to answer the question. 10:13:33

9 And then we can deal with it later in terms of 10:13:35

10 whether or not you want the deposition transcript 10:13:37

11 sealed, marked confidential, things like that. 10:13:42

12 Okay? 10:13:45

13 A Okay. Let's proceed. 10:13:45

14 Q So what was the name of your former 10:13:47

15 employer in Atlanta, Georgia where you worked as a 10:13:50

16 paralegal? 10:13:56

17 A I don't recall. Don't remember. And 10:13:56

18 that's the truth, honestly, because it was some 10:13:58

19 time ago. 10:14:01

20 Q When was that? 10:14:02

21 A Maybe 2018, 2019, 2020 almost. In that 10:14:02

22 era. 10:14:08

23 Q And you were a licensed notary as well? 10:14:09

24 A I were. 10:14:16

1	Q And that was in Georgia?	10:14:18
2	A That was in Georgia.	10:14:20
3	Q And have you ever been a paralegal in	10:14:21
4	Illinois?	10:14:24
5	A I actually was studying to become one --	10:14:24
6	not studying. I was looking to become one and	10:14:28
7	work for a company, but I never got hired to	10:14:33
8	become a paralegal.	10:14:36
9	Q What was the company you were working for?	10:14:37
10	A It was out in the Mount Prospect area. I	10:14:41
11	don't remember their name. I don't, to be honest.	10:14:47
12	I just do not remember their name.	10:14:51
13	Q Have you ever testified at a deposition	10:14:54
14	before?	10:14:57
15	A I don't recall. I don't recall testifying	10:14:57
16	in a deposition hearing.	10:15:07
17	Q Okay. So to go over the ground rules that	10:15:09
18	I just kind of briefly referenced, the gist of the	10:15:13
19	exercise today is I get to ask you questions and	10:15:19
20	you have to answer them under oath. And you do	10:15:21
21	understand that you are under oath, correct?	10:15:24
22	A I am under oath, yes.	10:15:26
23	Q And the oath means you have to tell the	10:15:27
24	truth and the whole truth, nothing but the truth,	10:15:30

1	correct?	10:15:32
2	A That is correct.	10:15:32
3	Q And if you were to fail to do that, that	10:15:33
4	would be a felony called perjury. You are aware	10:15:36
5	of that?	10:15:39
6	A I am aware of this.	10:15:39
7	Q All right. If, at any point in time	10:15:41
8	today, I ask you a question and you do not	10:15:44
9	understand the question that I've asked you, you	10:15:46
10	have to let me know. Okay?	10:15:49
11	A That is fine with me.	10:15:50
12	Q And if, at the same time, you answer a	10:15:52
13	question, then we're all going to know and	10:15:58
14	understand that you have understood the question	10:16:02
15	that was asked. Okay?	10:16:03
16	A I will let you know.	10:16:04
17	Q Okay. And Court here is our court	10:16:07
18	reporter today. In order to make his job	10:16:10
19	easier -- you'll see that he's typing down	10:16:13
20	everything that we say. In order to make his job	10:16:16
21	easier, we can't talk over each other. And so	10:16:19
22	what that means is you need to wait until I finish	10:16:22
23	my question before you give your answer. Okay?	10:16:25
24	A That's fine with me.	10:16:28

1	Q And, at the same time, I'll wait until	10:16:30
2	you're finished with your answer before I move on	10:16:31
3	to my next question. Okay?	10:16:33
4	A That's fine with me.	10:16:35
5	Q And you're doing a great job of it so far,	10:16:36
6	but if, from time to time, I have to remind you of	10:16:39
7	that today, bear with me. Okay?	10:16:42
8	A That's fine with me.	10:16:44
9	Q And, similarly -- and, again, you're doing	10:16:47
10	a good job of this -- but your answers need to be	10:16:52
11	out loud and given orally. Okay? So what I mean	10:16:53
12	by that is a nod of the head or a shake of the	10:16:57
13	head, that might show up on video, but that's not	10:17:00
14	going to show up on the written transcript.	10:17:04
15	A That's fine with me.	10:17:06
16	Q And so that's how your answer needs to be,	10:17:07
17	out loud, given orally. Okay?	10:17:10
18	A That's fine with me.	10:17:13
19	Q And same thing with phrases like uh-huh	10:17:14
20	and uh-uh. Uh-huh and uh-uh wind up looking the	10:17:17
21	same when they're typed up in the record. So if	10:17:22
22	it's a yes or a no, please try to say yes or no as	10:17:24
23	opposed to uh-huh or uh-uh, if that's okay.	10:17:29
24	A That's fine with me.	10:17:32

1	Q And none of my questions at all today,	10:17:33
2	none of them, are meant to embarrass you in any	10:17:36
3	respect. I am simply trying to find out the	10:17:39
4	evidence and information that you have with	10:17:44
5	respect to the claims that you have made against	10:17:46
6	my client, Mariano's. Okay?	10:17:50
7	A That's fine with me.	10:17:52
8	Q Have you taken any type of medications or	10:17:55
9	other substances that would impair your ability to	10:18:01
10	understand my questions and answer them truthfully	10:18:05
11	today?	10:18:11
12	A No, I have not at all, in the past and in	10:18:11
13	the present.	10:18:16
14	Q Did you review anything to prepare for	10:18:16
15	your deposition?	10:18:18
16	A I did review what we have discussed, like,	10:18:19
17	you know, my -- my claims. You know, that's what	10:18:24
18	I've done. I read over my claims. And, you know,	10:18:28
19	over our court appearances, I just make sure that	10:18:33
20	I have a, you know, understanding.	10:18:36
21	Q Did you look at any documents?	10:18:40
22	A I looked at the interrogatory that you	10:18:41
23	sent me, the deposition that you sent me here	10:18:45
24	lately.	10:18:49

1 Q And when you say the deposition, you mean 10:18:49
2 the notice of deposition? 10:18:51

3 A The noticing of my e-mails from you. All 10:18:52
4 of my e-mails from you, I've reviewed them. 10:18:57

5 Q Did you review anything else? 10:19:00

6 A I reviewed a lot of other things as well. 10:19:02

7 Q What? 10:19:06

8 A It's been a lot of information throughout 10:19:07
9 e-mails that we have had. You know, we have had 10:19:10
10 -- we've been going back and forth since 2022 on 10:19:13
11 this matter. And I reviewed all of those e-mails 10:19:20
12 that you have sent me. And, also, all of the 10:19:24
13 claims that I have made, I read over them. So 10:19:26
14 that's my answer to you. 10:19:29

15 Q Okay. Other than that, have you reviewed 10:19:30
16 anything else in preparation for your deposition? 10:19:33

17 A That's all I'm going to answer. That's 10:19:35
18 all I'm saying. That's what I've done. That's my 10:19:37
19 answer. 10:19:40

20 Q Okay. So the answer is, no, other than 10:19:41
21 that, you haven't reviewed anything else? 10:19:43

22 A I've read everything that I was supposed 10:19:45
23 to read and everything that I've been e-mailed. 10:19:48
24 And all of my court appearances, I went and read 10:19:51

1 carefully over it and listened carefully over my 10:19:55

2 -- you know, these claims. That's my answer. 10:19:58

3 Q So other than the complaint and the 10:20:00

4 amended complaint that you filed in this action 10:20:08

5 and the notice of deposition, the interrogatory 10:20:12

6 answers, and then the e-mails back and forth from 10:20:15

7 my office to you, can you tell me any other 10:20:19

8 documents that you reviewed to prepare for your 10:20:25

9 deposition? 10:20:27

10 A I can recall one of them was the motion to 10:20:27

11 bring a sanction against me that you put in, and I 10:20:30

12 asked for a dismissal of it. 10:20:34

13 Q Anything else? 10:20:36

14 A That's all that I have and recall at this 10:20:37

15 moment. 10:20:42

16 Q Did you discuss your deposition with 10:20:42

17 anyone? 10:20:44

18 A I don't recall doing that. 10:20:44

19 Q I've just handed you what I've marked as 10:20:46

20 Deposition Exhibit 1. 10:21:20

21 (Rudolph-Kimble Deposition Exhibit 1 10:21:21

22 marked for identification and attached to the 10:21:21

23 transcript.) 10:21:23

24 Q Have you seen this document before? 10:21:23

1	A	Yes, I have.	10:21:26
2	Q	This is the amended complaint that you	10:21:34
3		filed in this lawsuit, correct?	10:21:37
4	A	Yes.	10:21:39
5	Q	And in this complaint, you allege that	10:21:40
6		Mariano's discriminated against you based upon	10:21:45
7		your race and color in violation of Title VII and	10:21:49
8		Section 1981, correct?	10:21:56
9	A	Yes.	10:21:58
10	Q	You also allege that Mariano's	10:21:58
11		discriminated against you based on your national	10:22:00
12		origin in violation of Title VII and Section 1981,	10:22:02
13		correct?	10:22:07
14	A	Yes.	10:22:08
15	Q	And you previously alleged in this lawsuit	10:22:08
16		that Mariano's discriminated against you on the	10:22:12
17		basis of your sex in violation of Title VII,	10:22:15
18		correct?	10:22:21
19	A	Yes.	10:22:23
20	Q	And you also allege that Mariano's	10:22:23
21		retaliated against you for seeking a promotion,	10:22:25
22		correct?	10:22:28
23	A	Yes.	10:22:28
24	Q	And the adverse employment action that you	10:22:29

1 claim you were suffered here was that your 10:22:33

2 employment was terminated, correct? 10:22:35

3 A Yes. 10:22:36

4 Q And you understand that Mariano's 10:22:41

5 terminated your employment based upon your 10:22:43

6 background check revealing a criminal conviction 10:22:46

7 record, correct? 10:22:49

8 A That was a part of all the other claim 10:22:50

9 under the 1981 section of civil rights as well, 10:22:54

10 yes. 10:22:58

11 Q Okay. And you believe that the company 10:22:59

12 violated the Ban the Box Law because you said the 10:23:04

13 company didn't give you an opportunity to review 10:23:10

14 and explain your situation, correct? 10:23:13

15 A I never received my five-day noticing, so 10:23:15

16 that's against the law as well. And then being 10:23:19

17 terminated in lieu of a background -- criminal 10:23:23

18 background dispute is illegal in the state of 10:23:26

19 Illinois as well. So, yes. 10:23:29

20 Q And you understand that that was why you 10:23:33

21 were terminated, correct? 10:23:36

22 A I do know that that was a part of it, as 10:23:37

23 well as this complaint under 1981 section of civil 10:23:43

24 rights that I complained about as well, yes. 10:23:48

1 Q You also allege that Crystal Brandon, who 10:23:50
2 was a people's service manager or PSM at the store 10:23:55
3 you worked at, made certain lewd comments about 10:24:00
4 you, correct? 10:24:03

5 A Yes. 10:24:04

6 Q And, finally, you allege that you were not 10:24:04
7 allowed to apply for a management position, 10:24:09
8 correct? 10:24:12

9 A I don't understand the question. 10:24:13
10 Reiterate that question again. 10:24:15

11 Q Sure. I believe -- if I understand your 10:24:17
12 allegations, one of them is that you were denied 10:24:19
13 the ability to apply for a promotion; is that 10:24:22
14 accurate or -- 10:24:25

15 A Yes, that is. 10:24:26

16 Q Any other claims that you have against 10:24:28
17 Mariano's in this lawsuit? 10:24:30

18 A I was also being gossiped around the store 10:24:31
19 about my national origin. And as well -- there 10:24:39
20 was a false narrative and obstruction of justice 10:24:44
21 against the law by Mariano's claiming that I was 10:24:50
22 under a drug usage or alcohol usage, which are -- 10:24:52
23 that's a total lie. 10:24:58

24 Q So in terms of you being gossiped about 10:25:01

1 regarding your nationality, who was gossiping 10:25:10
2 about you? 10:25:17

3 A This was between the seafood department 10:25:18
4 with fellow store shoppers, as well as the cheese 10:25:21
5 department with fellow store shoppers, and then 10:25:29
6 the grocery department with other members that 10:25:33
7 worked with Mariano's, as well as the -- the front 10:25:38
8 desk. The front desk customer service unit were 10:25:46
9 doing the same thing, gossiping about my national 10:25:52
10 origin. So, yes, that's what's going on. 10:25:56

11 Q Who, specifically, from the seafood 10:26:00
12 department was gossiping about your national 10:26:05
13 origin? 10:26:08

14 A These were the -- excuse me my language -- 10:26:08
15 the butchers in the seafood department with the 10:26:15
16 people that shopped in the store. That's what it 10:26:23
17 was with them. They conspired about my national 10:26:28
18 origin and made fun, gossiped on my name. 10:26:30

19 Q And how did you hear about this? 10:26:33

20 A I was approached -- 10:26:36

21 Q By? 10:26:40

22 A -- by customers about it and questioned 10:26:40
23 and made fun about it, which made it hard for me 10:26:44
24 to do my job and made it uncomfortable for me to 10:26:49

1 do my job because of that gossip and the 10:26:53
2 negativity. You know, communication that was 10:26:59
3 talked about on my name about my national origin 10:27:04
4 and race. 10:27:07
5 Q How many customers told you this? 10:27:08
6 A I had at least three. 10:27:12
7 Q What were their names? 10:27:13
8 A I do not recall their names. I never 10:27:17
9 asked them for their name. I just kept doing my 10:27:19
10 job. 10:27:22
11 Q So these three customers told you that 10:27:22
12 butchers were gossiping about your national 10:27:26
13 origin, right? 10:27:35
14 A Yes. 10:27:36
15 Q And then did these three customers also 10:27:36
16 say that people from the grocery department were 10:27:39
17 gossiping about your national origin? 10:27:43
18 A No. 10:27:45
19 Q And did these customers also tell you that 10:27:45
20 people from the cheese department were gossiping 10:27:47
21 about your national origin? 10:27:50
22 A No. 10:27:50
23 Q Did they tell you that people from the 10:27:50
24 front desk or customer service area were gossiping 10:27:53

1 about your -- 10:27:56

2 A No. I worked for seafood department, 10:27:57

3 deli. And that's how I was able to be received 10:28:01

4 for those three that I can recall. 10:28:04

5 The cheese department would point, make 10:28:05

6 faces at me, towards my way. And I would walk 10:28:12

7 past and I would hear a comment in lieu of me 10:28:18

8 about my national origin and being made fun of or 10:28:18

9 gossiped. Then the grocery department, that was 10:28:23

10 another one about my national -- it was overheard 10:28:26

11 from them and what they overheard from someone 10:28:31

12 about my national race within gossip. 10:28:34

13 Then the customer service was having a -- 10:28:37

14 they didn't know that I was listening in on their 10:28:42

15 conversation at one point at the checkout with the 10:28:45

16 clock-out box about my national origin and gossip 10:28:49

17 as well. So I heard that -- overheard these 10:28:53

18 things at different times and different locations 10:28:56

19 as well. 10:28:59

20 Q Okay. So the gossip that you're talking 10:29:00

21 about here, this is stuff that third-party people 10:29:03

22 were saying about you outside of your presence, 10:29:09

23 correct? 10:29:13

24 A They were saying these things within my 10:29:14

1 presence. Because I was actually in those 10:29:17
2 departments there overhearing the discussion, and 10:29:20
3 it was brought to my attention. So that's why I'm 10:29:25
4 able to understand that it was this gossip about 10:29:28
5 my national origin, because I was there at 10:29:31
6 different times in those different locations that 10:29:34
7 I just named. 10:29:36

8 Q Okay. Well, specifically, what was the 10:29:37
9 gossip in the seafood department about your 10:29:40
10 national origin? 10:29:43

11 A That I look like an African and that 10:29:43
12 Africans have attitude issues and have poor work 10:29:50
13 ethic. That was the discussion about. And that I 10:29:55
14 was too dark and I seem like I could be from 10:29:59
15 somewhere out of Africa. And what kind of people 10:30:06
16 do y'all -- and being made fun of, what kind of 10:30:10
17 people are y'all because it seem like y'all have 10:30:14
18 attitude issues and y'all have poor work 10:30:16
19 performance. And I was approached with that 10:30:19
20 constantly. 10:30:21

21 Q Can you -- 10:30:22

22 A Yeah. 10:30:23

23 Q And can you give me the name of specific 10:30:24
24 people who gossiped about you? 10:30:27

1 A In the seafood department, those butchers 10:30:29
2 -- what was the butcher's name? That's been a 10:30:33
3 while. It's been a year ago. All I know is these 10:30:36
4 are guys on the first shift that I worked, between 10:30:40
5 the 3:00 a.m. shift to the 12:00 p.m. shift -- 10:30:43
6 Q Okay. 10:30:50
7 A -- of the first shift. And then those 10:30:51
8 others in that seafood/deli department that I was 10:30:55
9 working, I heard the gossip. Out of that 10:30:57
10 department was customers that I never asked their 10:31:00
11 name. These were random customers that was in 10:31:03
12 talks with those butchers about my name. 10:31:06
13 Q So these are customers -- you're learning 10:31:06
14 about this gossip from the butchers from the 10:31:08
15 customers, right? 10:31:11
16 A At least three customers, yes. 10:31:12
17 Q Okay. And with respect to the grocery 10:31:15
18 department, the cheese department, the front desk 10:31:18
19 department, can you give me the names of the 10:31:21
20 specific people at -- 10:31:23
21 A The cheese department -- 10:31:23
22 Q Don't finish my question. 10:31:23
23 With respect to those departments, the 10:31:25
24 grocery department, the cheese department, the 10:31:26

1 front desk department, can you give me the names 10:31:29
2 of the specific employees who were gossiping about 10:31:31
3 your national origin? 10:31:34

4 A The cheese department, I do not know their 10:31:35
5 names that work in there. They had new employees 10:31:39
6 that were there as well as old. I don't remember 10:31:44
7 their names. But they worked between that 10:31:51
8 3:00 a.m. and the 12:00 p.m. shift when I was 10:31:57
9 there, that first shift. I don't remember their 10:32:01
10 names because it's been a year ago, honestly. 10:32:04

11 Q What about the grocery department? Can 10:32:07
12 you tell me the names of the -- 10:32:10

13 A The grocery department, in that area, I 10:32:11
14 don't remember their names either, but I had -- I 10:32:13
15 don't remember his name. It was a guy. It was a 10:32:18
16 male. I don't remember his name. But it was from 10:32:20
17 the grocery department. And then customer 10:32:22
18 service, I do not remember their names. The only 10:32:26
19 person name that I remember is Crystal Brandon and 10:32:28
20 Ziam and his assistant -- I don't ever remember 10:32:32
21 his assistant manager's name, honestly. 10:32:34

22 Q Ziam was the store director? 10:32:36

23 A He is the store director for that location 10:32:38
24 of Mariano's. 10:32:41

1	Q	Okay. And so what, specifically, is your	10:32:42
2		race?	10:33:06
3	A	I'm an American.	10:33:08
4	Q	Okay.	10:33:10
5	A	I was born here in America. I've never	10:33:10
6		been anything else but that.	10:33:15
7	Q	And what, specifically, for the record, is	10:33:18
8		your color?	10:33:21
9	A	I'm a black man. That's what I consider	10:33:22
10		myself. Always be considered a black American	10:33:25
11		man.	10:33:31
12	Q	And then your national origin is American?	10:33:31
13	A	That's my national origin, yes. And I	10:33:33
14		made that understood at that times.	10:33:36
15	Q	And with what sex do you identify?	10:33:40
16	A	I'm a man, a male.	10:33:46
17	Q	I'm handing you what I'm marking as	10:33:47
18		Deposition Exhibit 2.	10:34:19
19		(Rudolph-Kimble Deposition Exhibit 2	10:34:20
20		marked for identification and attached to the	10:34:20
21		transcript.)	10:34:22
22	Q	You've seen this document before, correct?	10:34:22
23	A	Yeah.	10:34:24
24	Q	These are the interrogatories that	10:34:26

1 Mariano's served on you in this case, correct? 10:34:31

2 A Okay. I sent you those, 1 through 14 10:34:34

3 answers, interrogatory. 10:35:22

4 Q And Exhibit 2 here, these interrogatories, 10:35:27

5 you received them from Mariano's on October 31, 10:35:33

6 2002 [sic], correct? 10:35:37

7 A Yes. 10:35:40

8 Q And I'm handing you what I've marked as 10:35:41

9 Deposition Exhibit 3. These are your responses to 10:35:44

10 those interrogatories, correct? 10:35:47

11 (Rudolph-Kimble Deposition Exhibit 3 10:35:47

12 marked for identification and attached to the 10:35:47

13 transcript.) 10:35:50

14 A Missing the other seven questions -- seven 10:35:50

15 answers. 10:35:53

16 Q We've never received -- these are the only 10:35:53

17 answers that we've ever received. And you've 10:35:56

18 produced this document, Exhibit 3, on January 10:36:04

19 27th, and then you produced it again on February 10:36:09

20 6th, 2023, correct? 10:36:11

21 A Yes, I did. And it was again by March 10:36:13

22 3rd, 2023. 10:36:17

23 Q Okay. So you did supplement them again? 10:36:19

24 A March 3rd, 2023, I supplemented them 10:36:24

1 through the e-mail system -- 10:36:29

2 Q So you -- 10:36:31

3 A -- to Griesmeyer. 10:36:32

4 Q Okay. So you're saying that you e-mailed 10:36:32

5 supplemental interrogatory answers to my office on 10:36:35

6 March 3rd, 2023? 10:36:37

7 A Yes, I have. Wait a minute. My birthday 10:36:39

8 was March 3rd. I was ordered to do that. I 10:36:46

9 actually did it before then. I actually sent that 10:36:49

10 off before then. 10:36:53

11 Q When did you send it? 10:36:53

12 A Let me see. Let me go through here and 10:36:55

13 see. Give me one moment. One moment. This is on 10:36:57

14 February the 6th, 2023. And these are the answers 10:37:42

15 right here, the 8 through 14 answers. And I -- 10:37:48

16 yes. These are the answers. I verified that. 10:37:57

17 And I e-mailed you those answers February 6th, 10:38:01

18 2022, from what it says right here. 10:38:07

19 Q Okay. Well, this is the first I've seen 10:38:13

20 of these. I never received an e-mail. With 10:38:19

21 respect to your supplemental production, I didn't 10:38:25

22 receive it on February 6th; I didn't receive it 10:38:28

23 since then. The only thing I've ever received is 10:38:32

24 this one page of answers for interrogatories 1 10:38:35

1 through 7. 10:38:39

2 And as you can see, I mean, if you look at 10:38:40

3 Exhibit 3 here, this is the cover e-mail that you 10:38:43

4 sent and then it has one document attached, one 10:38:44

5 JPEG. It doesn't have two pages. It only has one 10:38:47

6 page attached. And that's one page referenced in 10:38:49

7 the attachment file. 10:38:52

8 So, I'd ask, can you please -- 10:38:54

9 A Resend. 10:39:00

10 Q -- resend? 10:39:00

11 A I sure can. 10:39:03

12 Q Okay. 10:39:05

13 A Give me one second. Because I have so 10:40:10

14 much storage on my phone. Give me one more 10:40:14

15 moment. My phone -- I have to pay my bill, so 10:42:27

16 it's a little down. Give me one second. That 10:42:31

17 will not show up. Give me one second. One more 10:43:41

18 second. Is there -- by chance, do you guys have 10:43:45

19 Wi-Fi in here? 10:45:13

20 Q We do. 10:45:14

21 A So I can see this document. Password? 10:45:18

22 Q Sure. It's welcome, all lower case, 10:45:28

23 W-E-L-C-O-M-E, 123. 10:45:32

24 A Finally. It's over to you guys, again. 10:48:04

1 And I also sent it to Abernath@GRGlegal.com on 10:48:11
2 February the 6th, 2023, as well. 10:48:17

3 Q Okay. I'm handing you what I've marked as 10:48:22
4 Exhibit 4. That is a copy of the Rule 34 request 10:48:28
5 for production that Mariano's sent to you in this 10:48:31
6 case, correct? 10:48:35

7 (Rudolph-Kimble Deposition Exhibit 4 10:48:35
8 marked for identification and attached to the 10:48:35
9 transcript.) 10:48:41

10 A I am familiar with this. 10:48:41

11 Q And then handing you Exhibit 5. These are 10:49:01
12 the documents that you produced in response to 10:49:08
13 those Rule 34 requests. You produced those on 10:49:11
14 January 27, 2023, correct? 10:49:16

15 (Rudolph-Kimble Deposition Exhibit 5 10:49:16
16 marked for identification and attached to the 10:49:16
17 transcript.) 10:49:26

18 A Reiterate the question again. 10:49:26

19 Q The documents you're looking at as 10:49:30
20 Exhibit 5, those are the documents that you 10:49:35
21 produced in response to Mariano's Rule 34 10:49:38
22 production request, correct? 10:49:42

23 A Yes. 10:49:44

24 Q And you produced those on January 27, 10:49:45

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

30

1	2023, correct?	10:49:48
2	A Yes.	10:49:49
3	Q What is your current address?	10:49:51
4	A 211 East Delaware Place, Unit 206,	10:49:55
5	Chicago, Illinois. ZIP code 60611.	10:49:59
6	Q Do you rent or own?	10:50:04
7	A I was renting.	10:50:06
8	Q Who do you live there with, if anyone?	10:50:07
9	A My ex, Kiptori Evans, and my daughter,	10:50:10
10	[REDACTED].	10:50:19
11	Q How long have you lived there?	10:50:24
12	A March 2021.	10:50:29
13	Q Before you lived at your current address,	10:50:39
14	what was your address?	10:50:45
15	A It was 310 South Halsted Street. ZIP code	10:50:46
16	60661. Chicago, Illinois.	10:50:53
17	Q So you say you started living at your	10:51:01
18	current address March of 2021; is that accurate or	10:51:07
19	was it March of 2022?	10:51:12
20	A Let me recant that. That's actually March	10:51:14
21	of 2022.	10:51:18
22	Q Okay. So in February of 2022, you were	10:51:19
23	living at 310 South Halsted Street in Chicago,	10:51:22
24	correct?	10:51:29

1	A	I was living in a -- what do you call that	10:51:29
2		-- a hostel, yes.	10:51:32
3	Q	And the address for that hostel was 310	10:51:35
4		South Halsted Street, correct?	10:51:41
5	A	Yes, it is.	10:51:42
6	Q	Okay. And are you married?	10:51:44
7	A	No. We are not married, no.	10:51:50
8	Q	Have you ever been married?	10:51:52
9	A	I've never been married. No, sir. The	10:51:53
10		most I've done was get a marriage certificate of	10:51:56
11		licensure, but I never went with the solemnized	10:52:00
12		marriage. So I have not been legally married, no.	10:52:04
13	Q	So you did get a marriage license?	10:52:04
14	A	I did do that with Kiptori Evans, yes.	10:52:06
15	Q	How do you spell her name?	10:52:10
16	A	K-I-P-T-O-R-I. Last name Evans.	10:52:11
17	Q	And does Ms. Evans work? Is she employed?	10:52:16
18	A	She does.	10:52:23
19	Q	What's her occupation?	10:52:27
20	A	She work for a place called Sur La Table.	10:52:29
21		Sur La Table.	10:52:29
22	Q	How do you spell that?	10:52:37
23	A	S-U-R-L-A-T-A-B-L-E.	10:52:39
24	Q	That's a restaurant?	10:52:53

Transcript of Brandon Rudolph-Kimble
Conducted on March 13, 2023

32

1	A That is a department retail store.	10:52:54
2	Q Has Ms. Evans, to your knowledge, ever	10:52:59
3	worked in the grocery business?	10:53:03
4	A Reiterate the question again.	10:53:05
5	Q To your knowledge, has Ms. Evans ever	10:53:07
6	worked in the grocery business?	10:53:10
7	A She has never worked in the grocery	10:53:12
8	business, never.	10:53:14
9	Q Did she ever apply for work at Mariano's?	10:53:15
10	A No.	10:53:19
11	Q And she's never worked at Mariano's,	10:53:19
12	correct?	10:53:22
13	A That is correct.	10:53:23
14	Q And you've mentioned [REDACTED]. That's your	10:53:23
15	daughter?	10:53:29
16	A She will be one [REDACTED] 2023, yes.	10:53:29
17	Q And is [REDACTED] your only child?	10:53:35
18	A That's my only child.	10:53:38
19	Q Given her age, I take it she's never	10:53:40
20	worked in the grocery business?	10:53:44
21	A Not yet. Not yet.	10:53:46
22	Q And what is your date of birth?	10:53:51
23	A I'm born [REDACTED] 1988.	10:53:53
24	Q And where did you grow up?	10:53:56

1	A I was born here in Chicago, Illinois,	10:53:58
2	south side of Chicago, Illinois. Then I grew up	10:54:01
3	in the Warner Robins, Georgia area. This is 1996	10:54:03
4	up until 2021.	10:54:10
5	Q Is that a suburb of Atlanta?	10:54:12
6	A That's a suburb of Atlanta and Macon,	10:54:19
7	Georgia, yeah.	10:54:23
8	Q Your father, what's his name?	10:54:25
9	A Mr. Gary Kimble.	10:54:26
10	Q And where does Mr. Gary Kimble live?	10:54:30
11	A He's in the city Milwaukee, Wisconsin.	10:54:36
12	Q And what was his occupation when you were	10:54:40
13	a kid growing up?	10:54:44
14	A I don't know. He's a prisoner. He's been	10:54:50
15	in prison for 30 years, literally, on and off	10:54:54
16	imprisonment. I don't even have a really -- a	10:54:58
17	relationship with him like that, honestly. I	10:55:03
18	won't even lie to you. That's the truth.	10:55:06
19	Q And your mother, what's her name?	10:55:11
20	A Monique Rudolph.	10:55:13
21	Q And where does Ms. Rudolph live?	10:55:14
22	A McDonough, Georgia, suburb of Atlanta,	10:55:19
23	Georgia. Her occupation for the past 25 years is	10:55:24
24	a registered nurse and a mother.	10:55:27

1 Q Did Ms. Rudolph ever work in the grocery 10:55:32
2 business? 10:55:38
3 A No. 10:55:39
4 Q Do you know if she's ever applied for work 10:55:40
5 at Mariano's? 10:55:44
6 A She's never applied for work for Mariano's 10:55:45
7 ever, never. 10:55:49
8 Q Do you have any siblings? 10:55:50
9 A Yes, I do. 10:55:51
10 Q How many? 10:55:53
11 A I have a total of five. No. Make that 10:55:54
12 six. It's actually six siblings. It's four boys 10:55:57
13 and it's -- no. It's five boys and one girl. 10:56:03
14 Five boys and one girl. 10:56:07
15 Q And your brothers, what are their names? 10:56:10
16 A After me, there is Bresohn, B-R-E-S-O-H-N. 10:56:19
17 Last name is Chandler. C-H-A-N-D-L-E-R. 10:56:26
18 The next one in line, his name is Dahvie. 10:56:31
19 And his name is spelled, D-A-H-V-I-E. Last name, 10:56:35
20 H-O-L-M-E-S. Holmes. 10:56:40
21 And then after that, Zion. Z-I-O-N. Last 10:56:45
22 name is Benson. B-E-N-S-O-N. 10:56:51
23 And the next one after that is Zeven. 10:56:55
24 Z-E-V-E-N. Last name Benson. B-E-N-S-O-N. 10:56:59

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

35

1	And the sister is Breyana. B-R-E-Y-A-N-A.	10:57:08
2	Last name is Kimble. K-I-M-B-L-E.	10:57:14
3	Q All right. I count four boys there. Are	10:57:18
4	we missing a fifth brother?	10:57:22
5	A I'm the oldest.	10:57:24
6	Q I see.	10:57:24
7	A Yeah. I'm Brandon Rudolph-Kimble, the	10:57:27
8	oldest.	10:57:32
9	Q And what are their age ranges?	10:57:32
10	A My age range, starting with me, is -- I	10:57:35
11	just turned 33 days ten days ago. And the next	10:57:39
12	line, which is Bresohn Rudolph -- I mean, Bresohn	10:57:39
13	Chandler, he will be -- he's 29 currently. Dahvie	10:57:49
14	Holmes is currently 29 as well. Zion just turned	10:57:56
15	15. Zeven just turned 13. And Breyana Kimble	10:58:03
16	will be -- her age this year will be -- she should	10:58:12
17	be 32 because she'll be 33 this year. Yes.	10:58:20
18	Q And do they all live around here?	10:58:24
19	A No.	10:58:27
20	Q Where do they live?	10:58:28
21	A They live in McDonough, Georgia.	10:58:29
22	Q To your knowledge, have any of your	10:58:32
23	siblings ever worked in the grocery business?	10:58:40
24	A They have never worked in the grocery	10:58:42

1	business.	10:58:43
2	Q And, to your knowledge, have any of your	10:58:44
3	siblings ever applied for work at Mariano's?	10:58:46
4	A Never have.	10:58:48
5	Q Did you ever serve in the military?	10:58:50
6	A I did National Guard for the Army.	10:58:56
7	Q When was that?	10:58:59
8	A That was in 2015 up until 2017.	10:59:00
9	Q What was your rank?	10:59:06
10	A E3.	10:59:08
11	Q And what was your unit?	10:59:11
12	A I was army.	10:59:16
13	Q Any area of responsibility or specialty?	10:59:19
14	A I was a 91 Bravo. We worked on -- we a	10:59:24
15	vehicle mechanic, so we worked on the PMLs and	10:59:30
16	the MLTDs, just the trucks, you know, the army	10:59:35
17	truck tanks. We worked on them. I worked on	10:59:40
18	those, you know --	10:59:43
19	Q And where were you stationed?	10:59:44
20	A My first station was out of Fort Jackson,	10:59:45
21	South Carolina. And then out of Fort -- I can't	10:59:51
22	think of the name right now. Out of Virginia and	11:00:00
23	not too far -- in the Petersburg, Virginia area.	11:00:03
24	Fort -- I can't think of the name, but it was out	11:00:08

1	of Petersburg, Virginia.	11:00:11
2	Q Were you honorably discharged?	11:00:14
3	A Yes, I am.	11:00:24
4	Q Where did you attend to high school?	11:00:24
5	A I went to a high school called Northside	11:00:26
6	High School Eagles in Warner Robins, Georgia.	11:00:30
7	Q And when did you graduate?	11:00:30
8	A 2006. On time. Yeah.	11:00:31
9	Q And do you have any post high school	11:00:36
10	education?	11:00:38
11	A I attended Central Georgia Technical	11:00:38
12	College. And I attended a private school and got	11:00:45
13	a -- a diploma to work as a surgical technician in	11:00:48
14	2008. Yeah.	11:00:56
15	Q Did you ever pursue a career as a surgical	11:00:59
16	technician?	11:01:08
17	A Yes. I was employed as a surgical	11:01:09
18	technician.	11:01:11
19	Q From when to when?	11:01:12
20	A My first date of employment as a surgical	11:01:14
21	technician was in 2011.	11:01:19
22	Q And for how long were you employed as a	11:01:24
23	surgical technician?	11:01:26
24	A I was only employed about a -- maybe about	11:01:27

1 four or five months. I did not like it. It was 11:01:32
2 not for me. 11:01:35

3 Q What didn't you like about it? 11:01:36

4 A Hostile environment. And, you know, the 11:01:38
5 surgeries, the mothers and fathers crying about 11:01:44
6 their loved ones or brothers and sisters crying of 11:01:47
7 patients passing away. You know -- you know, the 11:01:52
8 word code blue, I didn't like to hear that, 11:01:57
9 honestly, to tell the truth. 11:02:00

10 Q I understand completely. 11:02:03

11 Did you ever attend law school? 11:02:06

12 A Have I ever attended law school? 11:02:14

13 Q Correct. 11:02:17

14 A I've never attended a law school training, 11:02:18
15 but I did do a legal -- paralegal. And I did that 11:02:20
16 with Penn Foster. 11:02:25

17 Q Where was that? 11:02:28

18 A Where was Penn Foster? 11:02:30

19 Q Where was that? 11:02:33

20 A They are out of a place called Scranton, 11:02:34
21 Pennsylvania and maybe -- I think it was out of -- 11:02:38
22 somewhere out of Arizona. They have two desolate 11:02:42
23 locations. But they also have online training 11:02:45
24 program. You can do a program -- 11:02:48

1	Q	You did --	11:02:48
2	A	-- I did an online training program.	11:02:50
3	Q	Did you get a paralegal certificate?	11:02:52
4	A	Not yet. No, sir. I'm still studying	11:02:54
5		now.	11:03:01
6	Q	You have a YouTube channel, right?	11:03:01
7	A	I do.	11:03:24
8	Q	I'm handing you what I've marked as	11:03:30
9		Exhibit 6. Have you seen this before?	11:03:32
10		(Rudolph-Kimble Deposition Exhibit 6	11:03:32
11		marked for identification and attached to the	11:03:32
12		transcript.)	11:03:35
13	A	Yeah. That's me. Oh, I know. I was	11:03:35
14		looking at it yesterday. That's me on there.	11:03:38
15	Q	Okay. So these are screenshots from your	11:03:40
16		YouTube channel, right?	11:03:44
17	A	Yes, it is. You've got it.	11:03:45
18	Q	And what is the channel called?	11:03:47
19	A	Well, the channel is -- I put my name as	11:03:50
20		Honorable Brandon Rudolph-Kimble. And for the	11:04:02
21		record, I'm not a lawyer. But I do have a Cash	11:04:04
22		App that says Lawyer of the Years. But that's	11:04:07
23		just a phrase. It's not a practice. Let's make	11:04:10
24		that understood.	11:04:12

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

40

1	Q Okay. So it says Honorable Brandon A.	11:04:13
2	Rudolph-Kimble on your --	11:04:17
3	A That's right.	11:04:18
4	Q -- YouTube?	11:04:19
5	Okay. And honorable means judge, right?	11:04:19
6	A I'm not a judge. And it does not mean a	11:04:23
7	judge. I've seen people call themselves honorable	11:04:26
8	without being a judge legally. And I've never,	11:04:31
9	when I'm around town, displaying myself to be a	11:04:34
10	judge or a lawyer or even exhibiting that type of	11:04:38
11	behavior around town.	11:04:42
12	But it was just a short phrase and a	11:04:45
13	moniker. But I am not, for the record, a lawyer	11:04:48
14	or a judge or an attorney at law or even	11:04:52
15	impersonating to be a lawyer or an attorney at law	11:04:57
16	or a judge. For the record, I am not doing that.	11:05:02
17	Q Okay. You said you have a -- something	11:05:05
18	called Cash App \$ Lawyer of the Years?	11:05:09
19	A That was something that a Cash App allowed	11:05:14
20	me to do, but I am not considered, myself, a	11:05:18
21	lawyer.	11:05:24
22	Q So what is the Cash App? What is that?	11:05:24
23	A Well, that was actually a -- one of the	11:05:27
24	things you can do on there is receive monies	11:05:32

1 through your Cash App, but I have not received no 11:05:37
2 gains from Lawyers of the Years from anyone 11:05:41
3 through Cash App. So I'll make that clear as well 11:05:43
4 for the record. 11:05:48

5 Q Okay. So you've never, at any point in 11:05:48
6 time, received any sort of money -- 11:05:50

7 A No payments and no records. 11:05:52

8 Q Let me just -- sorry. Just need to let me 11:05:54
9 finish my question so it's clean for the record. 11:05:57

10 So you have never received any type of 11:06:00
11 financial money through the Cash App Lawyer of the 11:06:03
12 Years program; is that right? 11:06:09

13 A That is correct. No benefits at all. 11:06:10

14 Q How long have you had this Cash App? 11:06:14

15 A Maybe about four, five months. Maybe 11:06:20
16 since October, September of 2022 at the tenure 11:06:24
17 till now. 11:06:32

18 Q And what's the purpose of this Cash App 11:06:33
19 Lawyers of the Years? 11:06:48

20 A To be honest with you, there was -- it did 11:06:50
21 not signify a purpose. It did not have a purpose 11:06:54
22 because I've never been able to benefit or use it 11:06:58
23 or receive any monies or gains from it. 11:07:01

24 Q Why did you create it, then? 11:07:03

1 A I created that in lieu of -- I honestly
2 was just creating a Cash App. Trying to get a
3 Cash App. My wife was trying to send me some
4 money, and I just hurried up and put that
5 together, that little moniker together. And it
6 went through like that. I put that -- and that's
7 what happens.

8 My wife was just trying to send me, like,
9 \$5 or \$10, \$20 for lunch. It was lunch benefit.
10 That's why I created the Cash App. And I called
11 it that. But I have not received any gains from a
12 transactional behavior as an attorney or a judge
13 by that Cash App. Never did that.

14 Q Okay. But you did receive money, you
15 said, from your wife through the Cash App; is that
16 right?

17 A I did receive a -- maybe between \$5 to \$20
18 of lunch monies through that Cash App. That's
19 all. But it was not due for attorney benefits or
20 judge benefits or impersonation benefits or any
21 type of allocation due to motion filing or
22 anything like that or any transaction of sorts.
23 It was not for that benefit. It was a gift for
24 lunch monies. That's it.

1 Q Well, why did you call the Cash App 11:08:23
2 Lawyers of the Year? 11:08:25

3 A Because it was a moniker. And they 11:08:26
4 allowed me to just put that in and type that in 11:08:29
5 there. And they kind of just gave me that route 11:08:32
6 to just type in. When you're going to type it on 11:08:35
7 your phone, they allowed me to use that and say 11:08:38
8 that as a slogan. 11:08:41

9 But I'm not benefitting in transaction of 11:08:42
10 an attorney at law or a judge or any type of 11:08:46
11 impersonation or trying to facilitate or solicit 11:08:48
12 any type of business for law -- law business to 11:08:53
13 receive monies. That's what I'm not doing. I've 11:08:58
14 never asked anyone for any Cash App monies in lieu 11:09:01
15 of being impersonation of law of any sorts. I 11:09:06
16 have not done that. 11:09:10

17 Q But when you created the app, why did you 11:09:10
18 choose the name Lawyers of the Years? 11:09:13

19 A They chose the app for me -- I mean, chose 11:09:16
20 the name of the app for me. 11:09:20

21 Q Who is they? 11:09:21

22 A Well, Cash App chose that name for me. 11:09:22
23 They allowed me and they gave me the extra words 11:09:26
24 to even present that in that format. Cash App 11:09:30

1 allowed that. I didn't necessarily just go 11:09:33
2 looking for that. They allowed me to type in some 11:09:35
3 type of word with an L, with A, and then it gave 11:09:40
4 me the rest of it in slogan. And I just tapped on 11:09:45
5 it and went for it. 11:09:48

6 But I have not received any benefit to 11:09:49
7 receive any gains -- you know what I mean -- in a 11:09:52
8 transaction of an impersonation of a judge or a 11:09:55
9 lawyer or an attorney at law or soliciting for 11:09:57
10 gains of Lawyers of the Year, you know, for 11:10:01
11 benefit of a law, judge, or anything. I have not 11:10:04
12 received any of that like that, no, at all. Never 11:10:06
13 asked for it either. 11:10:08

14 Q So when you were creating the Cash App, 11:10:10
15 you could have chosen any name you wanted, right? 11:10:13

16 A They chose the name for me. You can't 11:10:16
17 choose any name you want. You can't choose any 11:10:19
18 name you want. And they chose that for me, Cash 11:10:22
19 App. 11:10:26

20 Q Can you change that name? 11:10:26

21 A I can go in there and make an attempt to 11:10:27
22 see if we can change and modify and amend it if 11:10:31
23 it's not in seal. 11:10:34

24 Q And then in your YouTube channel here, you 11:10:36

1 offer all sorts of analysis and advice on a whole 11:10:41
2 bunch of different -- 11:10:46
3 A I experienced it. 11:10:47
4 Q Hold on. 11:10:49
5 A Okay. 11:10:49
6 Q You offer a whole bunch of advice on a 11:10:50
7 bunch of different legal topics, right? 11:10:53
8 A It was -- I didn't advocate anything to 11:10:56
9 the public, to be honest with you. I spoke on my 11:11:01
10 experience and what I endured being jailed. 11:11:05
11 That's what I did. 11:11:11
12 Q So one of the things you expound upon here 11:11:15
13 in your YouTube channel is you've got a 10-minute 11:11:21
14 and 31-second video clip talking about plenary 11:11:27
15 orders. Right? 11:11:31
16 A Yes, I do. 11:11:32
17 Q What is a plenary order? 11:11:34
18 A I have one against someone -- that's 11:11:35
19 one -- for two years. 11:11:37
20 Q What is it? 11:11:39
21 A The plenary order of protection is a power 11:11:40
22 order of protection against them where they cannot 11:11:45
23 speak on my wife, my child, my finances, where 11:11:48
24 they can not touch my car, can't come nearly 50 11:11:56

1 feet near me or 200 feet. That's just an example 11:12:00
2 right there. I have a plenary order against 11:12:04
3 someone. And I spoke about my experience. That's 11:12:06
4 all. 11:12:10

5 Q Now, you've said your wife a couple times 11:12:11
6 here, but I thought you said you were never 11:12:14
7 married? 11:12:16

8 A We are not married, but we are -- we were 11:12:16
9 living together and we was in a common law, you 11:12:20
10 know, marriage, and so -- meaning, you're living 11:12:24
11 together, but you're not civil unioned, you're not 11:12:26
12 -- you're not under oath marriage. You're not 11:12:29
13 solemnizing to your licensure of marriage. So I'm 11:12:32
14 going to say my girlfriend, because that's what -- 11:12:37
15 she actually is my girlfriend. 11:12:40

16 Q That's the same person you talked about 11:12:42
17 earlier? 11:12:44

18 A Kiptori Evans is my girlfriend. I keep 11:12:44
19 referring as wife, but she really is my 11:12:44
20 girlfriend. Let's make that for the record. 11:12:47

21 Q Okay. So how does a plenary order differ 11:12:49
22 from any other type of order? 11:12:51

23 A Well, I don't really want to go into 11:12:54
24 advocacy about that because it doesn't have 11:12:57

1 anything to do with this case. It's irrelevant. 11:13:00

2 I mean, it's the truth. It's irrelevant. I 11:13:02

3 honestly don't want to give a relevancy about an 11:13:06

4 order of protection when it's not relevant to this 11:13:09

5 case. I would rather not do that. 11:13:13

6 Q Setting aside the relevancy issue, I'm 11:13:15

7 just curious how a plenary order differs from any 11:13:18

8 other type of court order. 11:13:22

9 A I experienced where I put a plenary order 11:13:25

10 against someone in the city of Chicago, Illinois. 11:13:29

11 And I have it where they, for two years, are not 11:13:33

12 to come in contact with me. It's a no-contact 11:13:37

13 order; not to contact my car, don't contact my 11:13:41

14 girlfriend, any ex partes that's on the matter. 11:13:44

15 That's what the judge -- that's what I was 11:13:48

16 ordered. You understand me? So that's what the 11:13:50

17 basis of that is about in my mind, and I leave it 11:13:52

18 at that. 11:13:55

19 Q Okay. So a plenary order means somebody 11:13:57

20 has to stay away from you and your possessions; is 11:14:03

21 that right? 11:14:08

22 A They -- if it's ordered in my plenary 11:14:08

23 order that I have against that someone, it's 11:14:12

24 ordered for them not to have contact with me at 11:14:15

1 all costs. 11:14:17

2 Q Who is this person you have this plenary 11:14:19

3 order against? 11:14:22

4 A I wish not to disclose. 11:14:23

5 Q Okay. But you still have to. So who is 11:14:24

6 the person? And, again, we can talk about having 11:14:27

7 the transcript sealed so it's not public record. 11:14:30

8 But who is this person that you have this plenary 11:14:32

9 order against? 11:14:36

10 A I wish not to disclose. 11:14:37

11 Q Okay. So are you refusing to answer the 11:14:39

12 question? 11:14:42

13 A I am answering your question. And I'm 11:14:43

14 letting you know that it's not a relevant answer 11:14:45

15 for me to answer this question. And I don't want 11:14:50

16 to feel coerced. I am telling you that right now. 11:14:52

17 Q Okay. I understand what you're saying. I 11:14:56

18 just need the record to be clear. Are you 11:14:59

19 refusing to answer that question? 11:15:03

20 A I'm going to answer the question now. 11:15:06

21 It's Ms. Logan. And I'm going to leave it at 11:15:08

22 that. 11:15:11

23 Q Is Ms. Logan associated with Mariano's in 11:15:12

24 any respect? 11:15:19

1 A No. Never have. 11:15:20

2 Q Another one of your videos on your YouTube 11:15:29

3 channel talks about Georgia record 11:15:40

4 restrictions/expungement and misdemeanor sealing. 11:15:47

5 How do you know about that? 11:15:50

6 A Well, I experienced that with a friendship 11:15:55

7 of mine having to do that. And I experienced that 11:15:58

8 with him. And him -- having to speak in his favor 11:16:01

9 about that. And it's public record. It's public 11:16:07

10 information. And it's for anyone who needs one. 11:16:12

11 So that's where that comes in at. 11:16:16

12 Q Okay. But I'm not quite sure that 11:16:19

13 answered my question. 11:16:28

14 My question was, how do you know about 11:16:29

15 Georgia record expungement? 11:16:32

16 A Because I've had a friend that dealt with 11:16:34

17 that with me. And he needed my help in his 11:16:38

18 situation, in his case. And I was able to speak 11:16:45

19 in his favor about it, about -- at his 11:16:49

20 arraignment. That is all. 11:16:54

21 Q So you represented your friend at his 11:16:57

22 arraignment? 11:17:00

23 A No. I never -- representation of no one. 11:17:00

24 When you speak, I'm just speak something as an 11:17:03

1 outside influence on his matter about this man's 11:17:06
2 character. It was not advice -- entry of an 11:17:09
3 appearance or advocacy of some sort, no, that 11:17:12
4 was not, or, like, making, you know, advocacy or 11:17:16
5 representation. I'm not his lawyer. I'm not his 11:17:18
6 attorney at all. And I'm not an attorney. I'm 11:17:21
7 not a lawyer or a judge. 11:17:25

8 Q So then I guess I'm wondering, what would 11:17:28
9 your friend need your assistance with? 11:17:31

10 A Character. Character letter. Character 11:17:33
11 -- a character letter. A character about me 11:17:38
12 knowing this person for these amounts of years and 11:17:41
13 who this man is to me as a friend. 11:17:45

14 Q Okay. So you had a friend in Georgia who 11:17:47
15 wanted their criminal record expunged and you 11:17:51
16 wrote a character reference in support of that 11:17:54
17 person; is that accurate? 11:17:57

18 A In his record restriction case, yes, I 11:17:59
19 did. 11:18:03

20 Q Okay. And then what about firearms 11:18:04
21 restraining orders in Texas, Texas red flag laws? 11:18:06
22 What do you know about that? 11:18:10

23 A Well, that was a discussion that it was 11:18:13
24 public law -- public record on the news about that 11:18:16

1 in that Texas shooting with that young man being, 11:18:19
2 like, 18 last year, last April, if you're familiar 11:18:23
3 with that. And that was one of the things that 11:18:25
4 was brought up on CNN. And I put it on my YouTube 11:18:29
5 channel. So that's what I did, honestly. 11:18:32

6 It was brought up as public record about 11:18:35
7 that, firearms rights restraining, you know -- you 11:18:37
8 know, just about that whole aspect of it. And I 11:18:39
9 brought it up. And if you look at the video, you 11:18:43
10 know, it will explain what was already brought up 11:18:46
11 on CNN about that shooting. And I brought it up 11:18:49
12 on my channel as well about what CNN had already 11:18:53
13 publicly, you know, put out there for the world to 11:18:57
14 see, you know, about firearms rights restraining 11:19:00
15 order laws. 11:19:03

16 Q But what specifically do you know about 11:19:04
17 firearm restraining orders with respect to Texas? 11:19:06

18 A What I saw on CNN was that -- publicly, it 11:19:08
19 was shown that CNN channel and broadcasted -- that 11:19:12
20 if you know someone that's mentally and 11:19:15
21 emotionally ill that's carrying around a firearm, 11:19:18
22 that you should contact local authority and that 11:19:22
23 you should let that be known so that gun can be 11:19:26
24 confiscated from them. That's all I was basically 11:19:33

1 saying. Or if they're a, you know, convicted 11:19:38
2 felony, they shouldn't be walking around with a 11:19:40
3 gun. That's what I was basically saying, you 11:19:43
4 know? 11:19:45

5 Q Got you. And you got that information 11:19:45
6 from CNN? 11:19:47

7 A CNN. 11:19:48

8 Q Okay. And then one of your other videos 11:19:48
9 here talks about extradition laws, extradition 11:19:50
10 laws in the USA, and it says, Please help me, 11:19:53
11 Honorable Brandon. Who were you trying to help 11:19:58
12 with respect to extradition laws? 11:19:52

13 A Well, that was another one of those 11:20:00
14 slogans. And it says, Support, please help me, 11:20:03
15 Brandon, with the exclamation marks. And that was 11:20:04
16 a slogan phrase titled, but it was not soliciting 11:20:07
17 or advocating for help or advocating people to 11:20:14
18 respond, because no one responded to me. Nobody 11:20:18
19 made comments in my section. 11:20:21

20 Nobody also never called me to actually 11:20:24
21 even do anything to have a discussion or advocacy. 11:20:26
22 You know what I mean? That never occurred, never 11:20:33
23 happened, for the record. 11:20:37

24 That, basically, was from another friend 11:20:37

1 that talked to me about his experience, that he 11:20:40
2 was extradited from another state, and how 11:20:45
3 horrible it was when he had to make a -- call me 11:20:50
4 from the jails, Cook County Jail, and made -- 11:20:54
5 about the government -- government warrant, 11:20:59
6 basically, being signed versus an extradition 11:21:05
7 warrant from an actual -- one of his attorneys. 11:21:20
8 I'm not sure. 11:21:17

9 But to basically to sign it, you know, 11:21:17
10 versus being picked up and extradited within 90 11:21:24
11 days versus 30 days back to his home warrant 11:21:28
12 state. That's all I was speaking about, his 11:21:32
13 experience. That was from another person's 11:21:37
14 experience that allowed me to understand that, 11:21:39
15 yes, that was in jail and going through 11:21:42
16 arraignment in courts about the extradition laws 11:21:45
17 with himself. 11:21:49

18 Q And then why did you use the slogan, 11:21:49
19 Please help me, Honorable Brandon? 11:21:53

20 A I was actually gaining attention that way. 11:21:55
21 But no one asked for me to help them and no one 11:21:57
22 actually received help from me because we never 11:22:01
23 got into a commentary about what I videoed about 11:22:04
24 the extradition laws. No one -- and no monies 11:22:09

1 were transacted either, for the record. No 11:22:15
2 benefits were transacted, none. No properties 11:22:18
3 were transacted at all. 11:22:22
4 Q Do you know whether or not it is a crime 11:22:23
5 to hold yourself out to the public as a lawyer 11:22:27
6 when you are not? 11:22:31
7 A I've never holded myself out there as a 11:22:33
8 lawyer. 11:22:36
9 Q Well, that wasn't the question. 11:22:36
10 The question is, do you know whether or 11:22:39
11 not it is or isn't a crime? 11:22:41
12 A No, I did not. 11:22:42
13 Q You don't know one way or the other? 11:22:44
14 A I do not know the law on that. No, I do 11:22:47
15 not. 11:22:51
16 Q Okay. Have you ever been arrested for a 11:22:51
17 crime? 11:22:58
18 A I have. 11:22:58
19 Q When was that? 11:22:59
20 A It's been years since I've been arrested 11:23:03
21 for a crime. 11:23:08
22 Q What was the most recent arrest? 11:23:10
23 A The most recent arrest was an entering an 11:23:13
24 auto charge. 2018. September 2018. 11:23:22

1 Q I'm sorry. Could you say that again? It 11:23:27
2 was a what type of charge? 11:23:31
3 A Entering an auto. To enter an auto 11:23:32
4 without consent. 11:23:34
5 Q Entering an automobile without consent; is 11:23:35
6 that right? 11:23:39
7 A That is correct. 11:23:39
8 Q Okay. And what are the circumstances 11:23:40
9 surrounding that? 11:23:42
10 A Well, that case is on -- that case, I have 11:23:43
11 not been convicted. And that case happened five 11:23:48
12 years ago. That was in 2018. And I'm in the 11:24:00
13 process right now of having it expunged, to be 11:24:04
14 quite honest. 11:24:08
15 Q Where was this? 11:24:09
16 A This was in Georgia. 11:24:10
17 Q And so you were never convicted for that? 11:24:11
18 A Never been convicted for it because I 11:24:17
19 never did it, you know, honestly, even though I 11:24:20
20 was arrested for it. But I was never convicted or 11:24:24
21 a sentencing or even -- it's not -- it's not -- 11:24:29
22 it's neither one. It's set aside. 11:24:34
23 Q Is that case still pending? 11:24:37
24 A The case is still open, but it's going to 11:24:44

1	be closed soon.	11:24:49
2	Q Do you have a lawyer representing you in	11:24:50
3	that case?	11:24:53
4	A I do not.	11:24:53
5	Q Have you ever been arrested for any other	11:24:55
6	crimes?	11:25:01
7	A I've been arrested for other crimes.	11:25:02
8	Q What are those?	11:25:05
9	A One of the crime just -- that may have	11:25:06
10	been 2018 year, as a matter of fact. Just going	11:25:11
11	-- being on the -- going on the bus not having	11:25:16
12	enough money in Atlanta, Georgia. And I was	11:25:21
13	arrested for that. And that's a misdemeanor crime	11:25:25
14	that's also due for an expungement as well.	11:25:31
15	Q Any other crimes for which you've been	11:25:34
16	arrested?	11:25:37
17	A Just traffic violation, minor traffic	11:25:38
18	violations. Drive on suspended driver's license.	11:25:41
19	That is all.	11:25:46
20	Q Now, in your Rule 34 production responses	11:25:55
21	in this case, which we've marked as Exhibit 5 --	11:25:58
22	A Rule 34.	11:26:13
23	Q Take a look at Exhibit 5. Could you?	11:26:16
24	(Rudolph-Kimble Deposition Exhibit 5	11:26:16

1 marked for identification and attached to the 11:26:16
2 transcript.) 11:26:19
3 A Exhibit 5. I'm here. 11:26:19
4 Q Okay. Kind of halfway through, probably 11:26:32
5 around page 19 or so, there's a copy of a 11:26:36
6 background check report. Are you familiar with 11:26:39
7 that? 11:26:43
8 A Yes, I am. 11:26:43
9 Q Here. Let's mark this as Exhibit 7. 11:26:44
10 (Rudolph-Kimble Deposition Exhibit 7 11:26:54
11 marked for identification and attached to the 11:26:54
12 transcript.) 11:26:54
13 Q That might be a cleaner copy. Exhibit 7 11:27:04
14 is that background check report, right? 11:27:07
15 A I'm seeing this. 11:27:10
16 Q And so you did receive a copy of this 11:27:20
17 background check report at some point, right? 11:27:24
18 A I received it after I was terminated of my 11:27:27
19 contract. 11:27:30
20 Q Okay. But you did receive it? 11:27:34
21 A I did receive it. 11:27:35
22 Q All right. And if we look here on 11:27:37
23 Exhibit 7, it talks about an offense date of March 11:27:39
24 21, 2018. Do you see that? 11:27:43

Conducted on March 13, 2023

1	A	March 21, 2018.	11:27:47
2	Q	Right. And if you see in the lower	11:28:01
3		right-hand corner, there's page numbers on this.	11:28:04
4		It says D000113 on the page that I'm looking at.	11:28:07
5		Do you see that?	11:28:12
6	A	D000113?	11:28:13
7	Q	Correct.	11:28:20
8	A	I am right here now.	11:28:21
9	Q	And if you look on that page, there is a	11:28:24
10		record there of a criminal conviction. And the	11:28:28
11		disposition date of that conviction is August 10,	11:28:34
12		2018. Do you see that?	11:28:37
13	A	That's the one I spoke about earlier in	11:28:38
14		our deposition.	11:28:41
15	Q	Okay. And the offense date of that	11:28:42
16		incident is March 21, 2018, right?	11:28:45
17	A	Okay. Yes.	11:28:48
18	Q	And it says the offense there is unlawful	11:28:49
19		to alter/sell/exchange tokens, transfers,	11:28:54
20		transaction cards, etc. without consent, right?	11:29:03
21	A	That's what it says.	11:29:06
22	Q	What happened that led to this arrest and	11:29:11
23		conviction?	11:29:15
24	A	Well, what happened was the fact that I	11:29:15

1 didn't have enough money to enter. And I tapped
2 my card to enter on the bus -- excuse my language
3 -- enter on the bus. And instead of me putting
4 the rest of the fare in there, I kept on walking.
5 And then, subsequently, an arrest happened.
6 That's what happened.

7 Q So it's, essentially, you rode the bus
8 without paying the fare for the bus, essentially,
9 is what happened?

10 A Paying the remaining balance of the fare
11 of the -- on the bus. That's what happened. And
12 I was subsequently arrested for not paying the
13 remaining balance of the fare.

14 Q How did the arrest happen?

15 A I was called upon. It was -- it was
16 already -- the policemen there. And they say,
17 well, you are under arrest for not paying the
18 remaining balance. And I went to jail. And I had
19 an arraignment for court the next day, within 24
20 hours later.

21 And I actually did the few days in jail.
22 And I was -- but before I was released, I was told
23 that I needed to go and expunge it -- that I can
24 go in and expunge my case because of the fact that

11:29:19

11:29:21

11:29:25

11:29:29

11:29:33

11:29:38

11:29:38

11:29:42

11:29:46

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11:29:59

11:30:05

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11:30:17

11:30:19

11:30:22

11:30:26

11:30:31

11:30:32

11:30:35

11:30:38

11:30:42

1 it was -- I had the ability to expunge that. I 11:30:46
2 was given that order from the judge of this case. 11:30:50
3 I was given that, you know, inclemency, you know, 11:30:53
4 to do that. 11:30:56

5 Q So back up. The start of the incident was 11:30:57
6 when you went on the bus and you swiped your 11:31:00
7 transit card, which didn't have enough money to 11:31:05
8 pay for the fare at that time, correct? 11:31:08

9 A It was at that time, yes. 11:31:10

10 Q What day was that? 11:31:12

11 A That had to be in the month of March 2018. 11:31:13
12 I don't remember the exact date. But it's saying 11:31:17
13 the offense date to the -- was the occurrence on 11:31:19
14 March 21st, 2018, so -- 11:31:22

15 Q Okay. So to the best of your 11:31:25
16 recollection, it was March 21 of 2018? 11:31:27

17 A Yes. 11:31:30

18 Q And then what date were you arrested? Was 11:31:30
19 it the same day? 11:31:33

20 A It was the same day. 11:31:34

21 Q So did the bus driver stop the bus or 11:31:35
22 something and say you need to pay the full fare 11:31:38
23 and we're going to call the police? How did that 11:31:41
24 happen? 11:31:44

1 A Well, they had a video recording. And 11:31:44
2 they saw me where I did not pay the remaining 11:31:47
3 balance. And, beep, and police was alarmed. And 11:31:51
4 they asked me about it. Then they took me into 11:31:51
5 custody, detained me -- arrested me and detained 11:31:54
6 me. 11:31:57

7 Q So it was, like, a few stops later? 11:31:58

8 A No. It was at that one stop at that one 11:32:01
9 moment. It all impacted at that one moment. It 11:32:04
10 was never driving around causing a raucous and 11:32:07
11 anything like that. It didn't go that way. 11:32:11

12 It just -- we got -- the video alarmed. 11:32:11
13 And it beep, beep, beeped. It alarmed the PD, the 11:32:13
14 police department, and they was there on the site 11:32:15
15 all ready to pick me up and take me into arrest 11:32:17
16 and detainment on March 21st, 2018. 11:32:20

17 Q Okay. Of course, none of those facts are 11:32:24
18 detailed here in this conviction record, right? 11:32:27

19 A Those details are not in this HireRight 11:32:31
20 record, no. 11:32:39

21 Q Okay. And so setting aside your 11:32:40
22 particular case, would you agree that the crime of 11:32:46
23 altering, selling, exchanging tokens, transfer 11:32:54
24 cards, etc. without consent, that would be a crime 11:32:59

1 of dishonesty? 11:33:03

2 A No. I don't claim that it's a crime of 11:33:04

3 dishonesty. I claim that it's a crime of not 11:33:09

4 paying your remaining balance, and that's what I 11:33:13

5 was arrested for. 11:33:17

6 Q Okay. So the crime of not paying a 11:33:17

7 balance due, is that a crime of dishonesty? 11:33:20

8 A To be honest with you, I don't -- I would 11:33:24

9 rather plead the Fifth on that because I don't 11:33:30

10 want to further give this even -- you know, I just 11:33:33

11 -- it's already evidenced in there. And I have a 11:33:39

12 chance of expunging that record. And it was over 11:33:43

13 five years ago, honestly. 11:33:48

14 Q Okay. I understand. I'm just asking a 11:33:50

15 general question. Okay? 11:33:52

16 Generally speaking, given your knowledge 11:33:53

17 and experience of the law, would you agree that 11:33:56

18 the act of not paying what is owed, that would be 11:33:58

19 a crime of dishonesty, in general? 11:34:03

20 A In a general discussion, I was honest 11:34:07

21 about that moment that I did not pay the remaining 11:34:11

22 balance on that matter when I was approached by 11:34:15

23 local authority. So I was being honest about what 11:34:20

24 I had chose to do and sat down and just did not -- 11:34:23

1 and it was -- you know, when I was approached 11:34:28
2 about it, I was honest about it that I did not 11:34:31
3 pay. So that's what happened. 11:34:34

4 Q But I'm -- you're leading this back to 11:34:36
5 your specific incident, and I'm asking more 11:34:40
6 generally. Okay? 11:34:43

7 Not with respect to your specific 11:34:44
8 incident, but just generally speaking, would you 11:34:48
9 say the act of somebody going to receive a 11:34:51
10 benefit, only paying for part of it and not paying 11:34:55
11 the rest of it, and then being arrested and 11:34:58
12 changed for that, would that be a crime of 11:35:02
13 dishonest? 11:35:04

14 A I've never heard of a crime of dishonesty. 11:35:05

15 Q What about, like, theft? Is that a crime 11:35:08
16 of dishonesty? 11:35:10

17 A Theft is a form -- is a crime. It is a 11:35:10
18 crime. It is a crime. Thieving -- thievery is a 11:35:16
19 crime. It's a crime in every state. 11:35:16

20 Q What about, like, altering documents? 11:35:19
21 Would that be a crime of dishonesty? 11:35:22

22 A That is a crime -- that is a crime as 11:35:24
23 well. Altering, you know, documentation is a 11:35:25
24 crime as well. Generally speaking, that is a 11:35:29

1	crime.	11:35:31
2	Q You need to let me finish my question so	11:35:32
3	we're not talking over each other. Okay?	11:35:34
4	A That's fine.	11:35:36
5	Q So would you agree that a crime involving	11:35:37
6	altering something, that would be a crime of	11:35:42
7	dishonesty?	11:35:45
8	A I do agree that it's a crime.	11:35:46
9	Q But you don't think it's a crime of	11:35:49
10	dishonesty?	11:35:52
11	A I don't think it's a crime of dishonesty,	11:35:52
12	no. I think it's a crime.	11:35:56
13	Q And it says the disposition here is	11:35:58
14	guilty, right?	11:36:01
15	A It's guilt. Guilt plea.	11:36:02
16	Q So I was just going to ask. So the	11:36:07
17	disposition, you were found guilty of this charge,	11:36:10
18	correct?	11:36:13
19	A I was found guilty of this charge.	11:36:14
20	Q And was this a plea deal or was this by	11:36:15
21	trial?	11:36:20
22	A This was by a plea arrangement. I -- no	11:36:20
23	trial.	11:36:25
24	Q And the sentence you received was fines,	11:36:25

1 court costs, restitution fees and other 11:36:30
2 assessments, and probation for a term of 14 days, 11:36:35
3 and you received credit with time served of 14 11:36:42
4 days, right? 11:36:46

5 A The only thing that I had to do on this 11:36:47
6 matter in my plea arrangement that I discussed 11:36:50
7 with my solicitor general that I would do 14 days. 11:36:53

8 Q You would do 14 days? What does that 11:37:00
9 mean? 11:37:03

10 A In the sentence of jailing. And that's 11:37:03
11 all that it was. It was no restitution, no court 11:37:06
12 costs fines, or no other assessment other than 11:37:10
13 jailing for 14 days. That's the honest truth. 11:37:15

14 Q Okay. So you were -- to sum it up, you 11:37:19
15 were arrested for this crime, you pleaded guilty 11:37:23
16 under a plea deal, you were convicted of the 11:37:27
17 crime, and then you served 14 days in jail for the 11:37:31
18 crime; is that accurate? 11:37:34

19 A That is correct. 11:37:35

20 Q Tell me about your employment history. 11:37:36
21 Where did you work before you joined Mariano's? 11:37:39

22 A I worked with FedEx. I worked with a 11:37:44
23 company called -- it was a -- a labor-ready type 11:37:52
24 of -- through Menasha, you know, employment in 11:38:01

1	2020 -- '20 and '21 that was. '21. '21.	11:38:09
2	Q Do you spell that?	11:38:20
3	A Spell Menasha?	11:38:21
4	Q Yes.	11:38:23
5	A M-E-N-A-S-H-A.	11:38:24
6	Q And this was an employment agency?	11:38:27
7	A Yes.	11:38:29
8	Q And so through Menasha, you worked at a	11:38:29
9	company called Fat Eggs, you said?	11:38:37
10	A FedEx.	11:38:38
11	Q How do you spell that?	11:38:39
12	A F-E-D-E-X.	11:38:40
13	Q FedEx?	11:38:43
14	A Yes.	11:38:45
15	Q So Federal Express, essentially, right?	11:38:46
16	A That's right.	11:38:49
17	Q Okay. And what did you do at FedEx?	11:38:50
18	A Laborer. Shipping and receiving laborer.	11:38:56
19	Q Were you driving or were you in a	11:39:01
20	warehouse?	11:39:04
21	A I was in a warehouse laboring, literally,	11:39:04
22	in shipping and receiving.	11:39:09
23	Q Where was that?	11:39:10
24	A Niles, Illinois.	11:39:12

1	Q	How long did you work there?	11:39:14
2	A	About three months, 90 days.	11:39:16
3	Q	Was that full-time or part-time?	11:39:20
4	A	Full-time. Full-time. Full-time and	11:39:23
5		part-time, for the record.	11:39:27
6	Q	And then when did you leave?	11:39:29
7	A	2022.	11:39:33
8	Q	Why did you leave?	11:39:35
9	A	One of the things that I left for --	11:39:37
10		because I needed to be at home with my girlfriend,	11:39:47
11		Kiptori Evans. That's why. She was pregnant.	11:39:51
12	Q	So it was primarily a scheduling issue?	11:39:59
13	A	Scheduling was an issue because of my	11:40:03
14		pregnancy with Kiptori -- my girlfriend, Kiptori	11:40:07
15		Evans.	11:40:09
16	Q	And then your next employer after you left	11:40:10
17		FedEx was Mariano's; is that right?	11:40:13
18	A	That is correct.	11:40:15
19	Q	And then what brought you to Mariano's?	11:40:16
20	A	Well, I had actually made an application	11:40:19
21		online.	11:40:22
22	Q	Why did you choose to apply to Mariano's	11:40:24
23		as opposed to some other company?	11:40:28
24	A	Well, I chose to apply with Mariano's	11:40:29

1 because I actually like to work in the grocery 11:40:32
2 department. 11:40:35

3 Q Have you ever worked in the grocery 11:40:35
4 department before? 11:40:37

5 A I have. 11:40:38

6 Q Where? 11:40:38

7 A It's a place called Giant Foods. 11:40:38

8 Q Is that in Atlanta? 11:40:42

9 A That was in Warner Robins, Georgia. And 11:40:45
10 that was in 2004, when I was only 16. 11:40:49

11 Q And what did you do at Giant Foods? 11:40:53

12 A Grocery bagger, stocker. 11:40:56

13 Q You submitted an application online to 11:41:01
14 Mariano's, right? 11:41:04

15 A I did. 11:41:05

16 Q And then you were hired by Mariano's on 11:41:05
17 January 26th, 2002; is that right? 11:41:10

18 A I do not recall being hired on that date. 11:41:16
19 I recall having an interview that date. And I 11:41:23
20 recall that I was told by Crystal Brandon that we 11:41:31
21 have to wait till your background comes back to 11:41:35
22 make that a contender for hire -- to start the 11:41:39
23 actual hire date and the actual orientation. 11:41:46
24 That's what she told me. 11:41:52

1	Q Okay. And you were hired to work at a	11:41:58
2	Mariano's store located at 1615 South Clark Street	11:42:01
3	in Chicago, right?	11:42:06
4	A That is correct.	11:42:07
5	Q And, colloquially, that was referred to as	11:42:07
6	Store 512; is that right?	11:42:12
7	A That should be correct, that I can recall.	11:42:13
8	Q You never worked at any Mariano's store	11:42:15
9	other than Store 512, correct?	11:42:19
10	A That's correct.	11:42:22
11	Q And you were hired in -- your position was	11:42:22
12	a level 3 team member working in the meat	11:42:25
13	department, right?	11:42:29
14	A That is meat and seafood department.	11:42:29
15	Q And that was a level 3 position, right?	11:42:33
16	A That is correct.	11:42:37
17	Q And you never held any other position	11:42:38
18	other than the level 3 position in the meat and	11:42:41
19	seafood department at Store 512, correct?	11:42:44
20	A That's correct. And another thing, it was	11:42:49
21	supposed to be full -- it was full-time. We had a	11:42:52
22	full-time agreement, starting as full-time.	11:42:54
23	Q Okay. And so it was a full-time job that	11:42:56
24	you had a Mariano's, right?	11:43:00

1 A Yes, it was. 11:43:01

2 Q All right. And, again, the only position 11:43:02

3 you ever held at Mariano's was a level 3 team 11:43:05

4 member in the meat and seafood department at 11:43:08

5 Store 512, correct? 11:43:11

6 A That is correct. 11:43:13

7 Q And your supervisor in the meat and 11:43:14

8 seafood department at Store 512 was Dominique 11:43:21

9 Peyton; is that correct? 11:43:26

10 A That's correct. 11:43:28

11 Q What were your job duties as a level 3 11:43:29

12 team member in the meat and seafood department at 11:43:32

13 Store 512? 11:43:36

14 A Stocking. Stocking meats, stocking, you 11:43:36

15 know, Lunchables, stocking hotdogs, stocking 11:43:40

16 chicken. And making sure that we present -- I 11:43:44

17 present -- excuse my language -- I present that 11:43:51

18 meat section, you know, by the date, the current 11:43:58

19 dates in those on coolers. 11:44:02

20 Q So you want, like, the older merchandise 11:44:10

21 up front so the customers grab that first? 11:44:12

22 A Exactly -- 11:44:14

23 Q Okay. 11:44:16

24 A -- exactly. That was my only job to do at 11:44:16

1 that time. 11:44:22

2 Q And it was a full-time position but it was 11:44:22

3 also an hourly position, correct? 11:44:27

4 A Yes. That is correct. 11:44:29

5 Q And as an hourly employee, you were a 11:44:30

6 member of a union at Mariano's, correct? 11:44:32

7 A When I started working there, I did not 11:44:37

8 know I was under a union at that Mariano's 11:44:44

9 location or at all until I actually made a phone 11:44:49

10 call to another Mariano's location and I talked to 11:44:54

11 management from there -- the Mariano's location on 11:44:59

12 the Randolph and Michigan Avenue -- that I was 11:45:03

13 notified that you are under a union and to give 11:45:08

14 them a call upon my termination. 11:45:11

15 Q Okay. So at some point during your 11:45:14

16 employment at Mariano's, you became aware that you 11:45:16

17 were a member of a union because you were an 11:45:22

18 hourly employee; is that right? 11:45:25

19 A I was notified that I was a union employee 11:45:26

20 after my employment with Mariano's. It was upon 11:45:30

21 my termination. After my termination, that's when 11:45:36

22 I received it to notification that I am a union 11:45:43

23 employee. 11:45:47

24 Q I'm going to hand you what I'm marking as 11:45:48

1 Deposition Exhibit 8.

11:45:52

2 (Rudolph-Kimble Deposition Exhibit 8
3 marked for identification and attached to the
4 transcript.)

11:45:53

11:45:53

11:45:55

5 Q I will represent to you that Exhibit 8 is
6 a true and correct copy of the collective
7 bargaining agreement between Mariano's and the
8 United Food and Commercial Workers Union that was
9 in effect when you worked at Store 512.

11:45:55

11:46:00

11:46:05

11:46:12

11:46:15

10 And my question to you with respect to
11 Exhibit 8 is, do you have any reason to think that
12 this document is anything other than what I've
13 just represented to you?

11:46:19

11:46:20

11:46:23

11:46:25

14 A No.

11:46:26

15 Q Did you ever see Exhibit 8 when you were
16 employed at Mariano's?

11:46:30

11:46:34

17 A We had an online orientation to do. And I
18 do not recall being able to receive this upon my
19 hiring. I do not know -- did not receive this --
20 this packet of information concerning -- I do not
21 recall seeing all of this.

11:46:37

11:46:55

11:47:03

11:47:13

11:47:27

22 Now, Crystal Brandon did explain some of
23 these items that I am seeing in our orientation,
24 but we were on a computer on our own accordance.

11:47:33

11:47:40

11:47:47

1 And I don't recall getting the justice about -- or 11:47:51
2 getting this. I don't even recall signing these 11:47:58
3 waivers [sic] or anything that -- you know, I don't 11:48:06
4 recall signing. I just do not, honestly. 11:48:11

5 Q Okay. So you don't recall receiving a 11:48:14
6 copy of the collective bargaining agreement during 11:48:17
7 your orientation, but you do remember seeing 11:48:20
8 something -- some type of employee handbook-type 11:48:24
9 document or something like that during your 11:48:30
10 orientation? 11:48:31

11 A I do remember that there was a -- I just 11:48:32
12 -- no. I just -- the only thing that I recall 11:48:59
13 that we was on the computer. And we was doing 11:49:01
14 tutorials. And the tutorials were not about the 11:49:05
15 collective bargaining agreement that I have right 11:49:11
16 here in front of me. I just don't recall that, 11:49:15
17 having a booklet or some type of pamphlet 11:49:21
18 concerning the collective bargaining agreement. I 11:49:29
19 don't recall that. 11:49:31

20 Q What about an employee handbook? 11:49:31

21 A I do remember something. I remember 11:49:34
22 Crystal Brandon speaking on it, about it. But I 11:49:42
23 just don't recall receiving the actual handbook 11:49:45
24 itself. But I do remember her giving -- 11:49:48

1 administer about it. I just don't -- I don't -- I 11:49:51
2 just don't recall. But don't quote me saying I 11:49:54
3 never received it. That's what I'm trying to tell 11:49:58
4 you. 11:50:01
5 Q Okay. So you may or may not have received 11:50:01
6 the employee handbook, you just don't recall? 11:50:04
7 A I do not recall that, honestly. 11:50:07
8 THE VIDEOGRAPHER: Counsel, in ten 11:50:10
9 minutes, I'll need to do a media switch. 11:50:11
10 MR. GRIESMEYER: Okay. Let's do it now. 11:50:14
11 THE VIDEOGRAPHER: Okay. We are -- 11:50:17
12 MR. GRIESMEYER: We're going to take just 11:50:19
13 a ten-minute break here. She's going to -- a 11:50:21
14 brief break to switch the tape. Sorry. 11:50:25
15 THE VIDEOGRAPHER: We are going off the 11:50:28
16 record. The time is 11:52 a.m. 11:50:29
17 (A recess was taken.) 11:50:32
18 THE VIDEOGRAPHER: We are going back on 11:54:17
19 the record. The time is 11:56 a.m. 11:54:20
20 BY MR. GRIESMEYER: 11:54:24
21 Q All right. So before we took a brief 11:54:26
22 break there, you were talking about how you did an 11:54:28
23 online training at the start of your employment at 11:54:31
24 Mariano's, right? 11:54:34

1	A	That's correct.	11:54:35
2	Q	Okay. And are you aware that the company	11:54:36
3		kept a record of the online training that you did	11:54:42
4		and that every employee did?	11:54:46
5	A	That's correct.	11:54:48
6	Q	Okay. And so I'm going to hand you here	11:54:48
7		what I'm marking as Exhibit 9.	11:54:51
8		(Rudolph-Kimble Deposition Exhibit 9	11:54:54
9		marked for identification and attached to the	11:54:54
10		transcript.)	11:55:03
11	Q	And do you have any reason to think that	11:55:03
12		this document does not correctly identify the	11:55:05
13		various training modules that you completed during	11:55:07
14		the start of your employment at Mariano's?	11:55:14
15	A	These are -- must be the ones that I	11:55:16
16		actually have done, you know, that's in completion	11:55:19
17		on those dates. I actually was doing that.	11:55:23
18	Q	And one of those talks about retail hourly	11:55:27
19		handbook acknowledgments, right?	11:55:34
20	A	Yes, it does.	11:55:37
21	Q	Okay. So through that online training	11:55:38
22		module, you were able to receive and review a copy	11:55:41
23		of the company's employee handbook at that time,	11:55:45
24		right?	11:55:48

1 A Yes. But it says retail hourly handbook 11:55:49
2 acknowledgment, so it must be only detailing that 11:55:54
3 portion. You know, it's not the whole entire 11:55:57
4 collective bargaining, you know -- 11:56:01
5 Q Okay. I'm handing you Exhibit 10. 11:56:03
6 (Rudolph-Kimble Deposition Exhibit 10 11:56:03
7 marked for identification and attached to the 11:56:03
8 transcript.) 11:56:06
9 A Okay. 11:56:06
10 Q And to the best of your recollection, 11:56:07
11 would Exhibit 10 be the hourly employee handbook 11:56:09
12 that you reviewed and acknowledged during your 11:56:12
13 online training at Mariano's? 11:56:14
14 A This is the handbook that I did the module 11:56:30
15 on the retail hourly handbook. This is it. 11:57:04
16 Exhibit 10, yes, this is it. 11:57:09
17 Q Okay. And before you were talking about 11:57:11
18 how your position at the company was a level 3 11:57:14
19 team member in the meat/seafood department, 11:57:19
20 correct? 11:57:22
21 A That's correct. 11:57:23
22 Q And there were different levels of hourly 11:57:23
23 employees at that time, correct? 11:57:27
24 A That's correct. 11:57:29

1	Q There was level 1, level 2, level 3, level	11:57:29
2	4?	11:57:34
3	A That's correct.	11:57:34
4	Q Okay. I'm handing you what I'm marking as	11:57:35
5	Deposition Exhibit 11.	11:57:44
6	(Rudolph-Kimble Deposition Exhibit 11	11:57:44
7	marked for identification and attached to the	11:57:44
8	transcript.)	11:57:46
9	Q Does this document, to the best of your	11:57:46
10	recollection, accurately summarize what the	11:57:49
11	various levels were for hourly employees at	11:57:51
12	Mariano's when you worked there?	11:57:54
13	A I never received this from Mariano's or	11:57:57
14	even Crystal Brandon in orientation or even after	11:58:00
15	orientation. I never received this.	11:58:07
16	Q I understand. And that's not my question.	11:58:09
17	My question is not did you receive a copy of this.	11:58:10
18	My question is, as you're looking at it	11:58:12
19	today, to the best of your recollection, does this	11:58:15
20	document accurately summarize what the various	11:58:17
21	levels were for the hourly employees when you	11:58:21
22	worked at Mariano's?	11:58:24
23	A This does summarize it. Yes, it does.	11:58:25
24	Q Okay. I'm going to hand you what I'm	11:58:28

1 marking as Deposition Exhibit 12, which I'll
2 represent to you are copies of documents from your
3 employee personnel file at Mariano's.

4 (Rudolph-Kimble Deposition Exhibit 12
5 marked for identification and attached to the
6 transcript.)

7 Q Have you ever seen your personnel file at
8 Mariano's?

9 A I have -- wait a minute. Let me make sure
10 I'm clear. I actually have seen this because I
11 signed it. And I do remember signing these items.

12 Q Okay. So you have no reason to disagree
13 with me when I tell you that these documents came
14 from your employee personnel file at Mariano's,
15 right?

16 A What I can say right now, that it looks
17 like incorrect information. I never made \$16.35
18 an hour. I made \$16.15 an hour. But I see \$16.35
19 an hour on this sheet. And this is an offer on
20 January the 26th, 2022, that I did sign. And I
21 was -- I started on February the 8th. That was
22 the actual start date.

23 Q Okay. Let me break this down a little
24 bit.

1	So the very first page of Exhibit 12,	12:00:19
2	document No. D000095, contains a document called	12:00:25
3	offer acceptance acknowledgments, correct?	12:00:33
4	A That's correct.	12:00:39
5	Q And you signed this document on January	12:00:40
6	26th, 2022, correct?	12:00:44
7	A That is correct.	12:00:46
8	Q And then there's other information up at	12:00:47
9	the upper right-hand corner that was not on the	12:00:51
10	document on the date that you signed it; is that	12:00:55
11	right?	12:00:58
12	A Reiterate the question again.	12:00:58
13	Q Sure. You see in the upper right-hand	12:01:03
14	corner there's a box that says EUID and it's got	12:01:06
15	your employee ID number?	12:01:10
16	A I do see that.	12:01:12
17	Q So that information, that was not on the	12:01:13
18	document at the time that you signed it, right?	12:01:15
19	A I don't recall that being on there at the	12:01:17
20	time of me signing. I don't recall whether it was	12:01:22
21	or were not. I really don't recall.	12:01:24
22	Q Okay. But that is your signature dated	12:01:26
23	January 26th, 2022, correct?	12:01:31
24	A That is my signature. And, for the	12:01:33

1 record, as well, I never received a drug screening 12:01:37
2 from Mariano's/Roundy's as well. They did a 12:01:41
3 background check but did not do a drug screening 12:01:44
4 on me. 12:01:48

5 Q And there's a box there that says, I 12:01:48
6 prefer not to begin working prior to the company 12:01:52
7 receiving the results of my background check 12:01:55
8 and/or drug screen. Do you see that? 12:01:59

9 A Yes, I do. 12:02:02

10 Q And you did not check that box, correct? 12:02:03

11 A I did not check it. 12:02:05

12 Q Okay. And so the reason is because you 12:02:06
13 knew that you would start working at Mariano's 12:02:10
14 before the background check result came in -- 12:02:12

15 A That's -- okay. 12:02:16

16 Q -- and it would be a contingent hiring and 12:02:17
17 you're being hired, you can start working at the 12:02:22
18 company before your background check comes in, but 12:02:25
19 your employment may later be terminated depending 12:02:28
20 upon what the results of the background check 12:02:31
21 show? 12:02:33

22 A I didn't check that. And I'm going to say 12:02:34
23 why. It's because the fact that I was told 12:02:37
24 verbally by Crystal Brandon that we have to wait 12:02:40

1 until your background check comes back. I 12:02:44
2 notified her at least three to four times before 12:02:48
3 February the 8th after January 26th of 2022 about 12:02:53
4 me starting to work and has the -- has the 12:02:59
5 criminal background check came back yet. And she 12:03:02
6 says not yet. 12:03:06

7 And then one day, she says -- around 12:03:07
8 February the 6th, 2022, around that date, she 12:03:09
9 says, it has came back at 100 percent, you're 12:03:13
10 ready to go in and get ready for orientation. 12:03:17
11 February the 8th. And then we go from there. 12:03:19

12 Q Okay. So on January 26th, 2022, when 12:03:22
13 you're given this offer of employment by 12:03:25
14 Mariano's, you knew at that time that the company 12:03:28
15 was going to perform a criminal background check 12:03:30
16 or they could perform a criminal background check 12:03:32
17 on you if they wanted to; is that right? 12:03:36

18 A I did know that. And a drug screening as 12:03:37
19 well. 12:03:41

20 Q Okay. And because you were an hourly 12:03:41
21 employee, the company had a time punch timekeeping 12:03:54
22 system, correct? 12:04:02

23 A They do. 12:04:03

24 Q And so that's how the company knows when 12:04:04

1 an employee begins working, when they start their 12:04:07
2 shift, and then when they're done with their 12:04:10
3 shift, they have to clock out, right? 12:04:15
4 A They have a record of that, yes. 12:04:16
5 Q Okay. And that's the process. You've got 12:04:18
6 to clock in when your shift starts, and then when 12:04:18
7 you're done working, you've got to clock out, 12:04:19
8 right? 12:04:20
9 A That's the way it goes. 12:04:21
10 Q Okay. And they do keep a record, then, of 12:04:22
11 those time punches, correct? 12:04:25
12 A That's correct. 12:04:27
13 Q All right. I'm handing you what I'm 12:04:27
14 marking as Deposition Exhibit 13. 12:04:38
15 (Rudolph-Kimble Deposition Exhibit 13 12:04:40
16 marked for identification and attached to the 12:04:40
17 transcript.) 12:04:42
18 Q And do you have any reason to think that 12:04:42
19 Exhibit 13 is anything other than a true and 12:04:49
20 correct copy of the timekeeping history report 12:04:54
21 from your time punches during the time that you 12:04:59
22 worked at Mariano's? 12:05:02
23 A I believe this is accurate. This is 12:05:04
24 correct. I do believe that. These are my time 12:05:25

1	punches.	12:05:30
2	Q All right. So Exhibit 13 here, these show	12:05:30
3	the hours and the dates and the times that you	12:05:33
4	worked at Mariano's Store 512, correct?	12:05:36
5	A Reiterate that question.	12:05:41
6	Q So Exhibit 13 here, to your knowledge,	12:05:45
7	appears to correctly show the dates and times and	12:05:50
8	hours that you worked at Store 512 at Mariano's?	12:05:53
9	A That is correct.	12:05:58
10	Q And your first day of work was February 8,	12:05:59
11	2022, correct?	12:06:04
12	A That's correct.	12:06:05
13	Q And you did, it looks like, one hour of	12:06:06
14	training, new hire labor, and then you must have	12:06:11
15	taken a break because then at 1:15 you punch in	12:06:17
16	again and you work 2.78 hours working in the meat	12:06:21
17	department; is that right?	12:06:26
18	A This is orientation day. So we were at	12:06:27
19	the computer station, not at the meat and deli	12:06:33
20	station --	12:06:37
21	Q Okay.	12:06:37
22	A -- I was right next to the clock-out box	12:06:40
23	that day.	12:06:44
24	Q And it says your last date of employment	12:06:44

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

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1	was March 15, 2022?	12:06:47
2	A That's correct.	12:06:50
3	Q And that is the last day that you worked	12:06:51
4	at Mariano's?	12:06:53
5	A That is correct.	12:06:54
6	Q And then on March 15, 2022, after your	12:06:55
7	shift was over that day, you were told by one of	12:07:01
8	the butchers in the meat department that Crystal	12:07:06
9	Brandon, the PSM, wanted to see you, correct?	12:07:08
10	A That is correct. That is correct.	12:07:12
11	Q And then you met with Crystal Brandon and	12:07:20
12	then Jermaine, another employee at Mariano's?	12:07:27
13	A That is correct.	12:07:29
14	Q Where did the three of you meet?	12:07:31
15	A We met out front near the entrance and	12:07:33
16	near the clock-out box and the computer station	12:07:41
17	and customer service. It's all compacted right	12:07:44
18	there. We was right in the middle of that at that	12:07:46
19	point.	12:07:48
20	Q And it was the three of you in that	12:07:48
21	conversation?	12:07:50
22	A It was us three in that conversation. She	12:07:50
23	wanted to use him as a witness. I couldn't	12:07:53
24	remember his name, but now I know -- remember his	12:07:54

1 name. Yes. It's Jermaine. 12:07:56

2 Q And during that conversation, Jermaine 12:07:58

3 didn't really talk, he just observed? 12:08:00

4 A That's correct. 12:08:02

5 Q And Ms. Brandon did pretty much all of the 12:08:03

6 talking, right? 12:08:08

7 A That's correct. 12:08:08

8 Q And what Ms. Brandon said to you was that 12:08:09

9 your employment had to be separated because you 12:08:12

10 failed your background check, right? 12:08:15

11 A That's what she said. It was due to a 12:08:18

12 failure of criminal background check. That's what 12:08:23

13 she said. 12:08:26

14 Q And that's what she told you? 12:08:27

15 A That's what Crystal Brandon told me -- 12:08:29

16 excuse my language -- in that conversation in 12:08:33

17 front of Jermaine. 12:08:35

18 Q And that was your last day of employment? 12:08:36

19 A That was my last day of employment at 12:08:39

20 Mariano's. 12:08:42

21 Q Now, with respect to the background check 12:08:42

22 that was performed on you, the criminal background 12:08:50

23 check, you didn't perform the background check 12:08:53

24 yourself, right? 12:08:57

1	A	That's correct.	12:08:57
2	Q	And you don't know who exactly did perform	12:08:59
3		the background check, right?	12:09:03
4	A	All I know is that it was through	12:09:04
5		HireRight. I gave consent for them to background	12:09:06
6		check me, criminal background check me only.	12:09:11
7	Q	Okay. So you gave consent for HireRight	12:09:13
8		to do a criminal background check?	12:09:16
9	A	That is correct.	12:09:19
10	Q	And you don't actually know, though, who	12:09:19
11		performed the background check, right?	12:09:26
12	A	I do not know who was -- the one that I --	12:09:28
13		the only thing that I do know is that HireRight is	12:09:37
14		a third-party out of Kroger, Mariano's. And they	12:09:41
15		have a contract to do criminal background	12:09:44
16		checking. So that's what I was under the	12:09:48
17		influence of.	12:09:51
18	Q	That was your understanding?	12:09:56
19	A	Understanding of. You know --	12:09:57
20	Q	Okay.	12:09:57
21	A	-- that's what I'm saying.	12:09:58
22	Q	And you've never seen this contract	12:09:59
23		between Kroger and HireRight?	12:10:01
24	A	No. Never.	12:10:03

1 Q So -- 12:10:03

2 A I was just told by Crystal Brandon that 12:10:04

3 from the get-go. That's it. That's who does it, 12:10:07

4 our background -- criminal background checks. 12:10:10

5 Q Okay. So you don't have any sort of 12:10:12

6 actual firsthand knowledge as to the specific 12:10:15

7 people that do the background check, right? 12:10:20

8 A That is correct. I don't know those guys. 12:10:22

9 Q And you don't know, specifically, what the 12:10:25

10 actual information is that they look at when 12:10:31

11 they're doing the background check, right? 12:10:33

12 A That is correct. I don't know their 12:10:35

13 procedural, you know what I mean, methodic 12:10:38

14 approach on it. No, I do not. 12:10:42

15 Q And you don't know how many background 12:10:47

16 check reports were run on you, correct? 12:10:49

17 A That is correct. During that time at 12:10:53

18 Mariano's, I don't know how many were done. I 12:10:57

19 never had a copy either during my employment 12:10:59

20 there. 12:11:02

21 Q And you don't know when exactly Mariano's 12:11:03

22 received the results of any of the background 12:11:08

23 checks that were done on you, correct? 12:11:13

24 A That is correct. 12:11:16

1 Q And you don't know who specifically at 12:11:17
2 Mariano's received the results of those background 12:11:20
3 checks, right? 12:11:23

4 A That is even correct. 12:11:24

5 Q And you don't know who precisely at 12:11:26
6 Mariano's had access to the background check 12:11:30
7 results, right? 12:11:34

8 A I still don't even know that as well. 12:11:35

9 Q And you don't know who specifically at 12:11:41
10 Mariano's made any sort of decisions with respect 12:11:45
11 to any of your background check results, right? 12:11:47

12 A Now, that's what I beg to differ on. I 12:11:51
13 was given a sheet by Crystal Brandon at the day of 12:12:01
14 my last employment at that moment in front of 12:12:05
15 Jermaine. And that sheet was from some higher-up 12:12:07
16 out of Milwaukee, Wisconsin. And it said that 12:12:13
17 they was trying to term me, should I term him, 12:12:17
18 that's what the conversation was. And due to a 12:12:21
19 failure of a criminal background. That's what it 12:12:24
20 says on the record. 12:12:27

21 So I have it as a -- in part of my 12:12:29
22 exhibits in here. But that's the one that I do 12:12:33
23 recall that may have had -- that has access to the 12:12:37
24 criminal background because she was in connection 12:12:41

1 with Crystal Brandon and in talks through 12:12:44

2 e-mailing. So I have a copy of that record, and I 12:12:49

3 showed that to the union as well. 12:12:51

4 So I may have to recant in this deposition 12:12:53

5 that you just -- these following -- prior 12:13:00

6 questions. I did receive a letter -- I forgot 12:13:02

7 about that -- from Crystal Brandon of an e-mail, 12:13:06

8 you know, but it was stating to also, for Crystal 12:13:10

9 Brandon, not to give me that e-mail excerptation 12:13:14

10 concerning my criminal background and termination 12:13:20

11 and failure and then coming into a termination 12:13:22

12 agreement through that -- in that document. I was 12:13:27

13 not to receive that, but she did anyway. 12:13:29

14 Q Okay. So is it accurate to say that your 12:13:32

15 only knowledge as to who exactly at Mariano's 12:13:38

16 would have had access to your background check 12:13:41

17 results comes from that e-mail message that 12:13:45

18 Ms. Brandon handed to you and your assumption as 12:13:50

19 to the fact that the people on that e-mail list 12:13:55

20 would have had access to your background check? 12:13:58

21 A I am saying that that -- someone does have 12:14:02

22 access. And I have been notified that they do 12:14:12

23 have access to that criminal background because 12:14:14

24 Crystal Brandon showed them that criminal 12:14:17

1 background failure in that e-mailing. And she 12:14:20
2 asked, should she terminate my contract due to it 12:14:25
3 with the higher-up out of Milwaukee, Wisconsin. 12:14:32
4 It was a woman. I can't think of her name. I 12:14:34
5 can't recall her name -- 12:14:37
6 Q Okay. 12:14:38
7 A -- but I have that document in my exhibits 12:14:39
8 to explain that. And the union has an exhibit -- 12:14:50
9 exhibit of that document as well. 12:15:01
10 Q Can you show me where in your stack of 12:15:06
11 papers there is the copy of the e-mail that you 12:15:11
12 say you received? 12:15:14
13 A Let me make sure. Oh, man. Let me see. 12:15:15
14 The union has a copy of that. Markeisha at the 12:15:39
15 union -- Markeisha. Markeisha. I can't think of 12:15:46
16 her name. It's only Markeisha that I can 12:15:50
17 remember. Has a copy of that e-mail and that -- 12:15:53
18 for the record, in my complaint with the union as 12:15:56
19 well. 12:15:59
20 I don't want to be wrong and not have it 12:16:13
21 in here. I don't see that. It was -- I don't see 12:16:15
22 that in my exhibit. I don't see that in what I 12:16:56
23 have in front of me. But I have, as a matter of 12:16:58
24 fact, the e-mailing to show proof on my phone. So 12:17:02

1	I'll go ahead and put that for the record as well.	12:17:05
2	Let me do that. Give me one moment.	12:17:08
3	Q Well, we can go on to that in a minute. I	12:17:10
4	want to ask you some different questions.	12:17:15
5	We can take a break in a little bit to	12:17:20
6	have you look for what you're looking for on your	12:18:04
7	phone. But in the meantime, I want to ask a	12:18:07
8	couple different separate questions. Okay?	12:18:10
9	A Let's go forward.	12:18:13
10	Q All right. So did you ever work in	12:18:15
11	management at Mariano's?	12:18:17
12	A I was never management at Mariano's due to	12:18:18
13	coercion not to apply.	12:18:30
14	Q That's a different question.	12:18:33
15	A Okay.	12:18:35
16	Q Okay. You never worked in management at	12:18:36
17	Mariano's, correct?	12:18:40
18	A No, I did not.	12:18:40
19	Q And you never worked in human resources at	12:18:42
20	Mariano's, correct?	12:18:45
21	A That's correct.	12:18:47
22	Q And you were never a PSM at Mariano's,	12:18:48
23	correct?	12:18:53
24	A No, I was not.	12:18:53

1	Q And so as you sit here today, you don't	12:18:55
2	know the scope or the authority or the ability of	12:18:59
3	a PSM to discipline or promote, demote, or make	12:19:03
4	any sort of decisions with respect to an hourly	12:19:09
5	employee's employment, right?	12:19:13
6	A Not at Mariano's, I don't.	12:19:14
7	Q And you've never fired anyone yourself,	12:19:17
8	correct?	12:19:19
9	A Not at Mariano's, I have not.	12:19:20
10	Q And you've never participated in any	12:19:22
11	decision to fire another employee at Mariano's,	12:19:26
12	correct?	12:19:30
13	A That is correct.	12:19:30
14	Q And with respect to your specific	12:19:31
15	termination, you don't know -- strike that.	12:19:35
16	With respect to your specific termination	12:19:40
17	from Mariano's, you did not sit in on the	12:19:47
18	termination discussion that happened in the HR	12:19:52
19	department, correct?	12:19:55
20	A I did not.	12:19:56
21	Q You were simply informed of what the	12:19:57
22	termination decision was, right?	12:20:01
23	A Yes, I was, by Crystal Brandon.	12:20:03
24	Q And so you don't know who specifically at	12:20:06

1 Mariano's actually made the decision to terminate 12:20:11
2 your employment, correct? 12:20:14
3 A That is correct. 12:20:16
4 Q And you don't know who specifically was 12:20:16
5 involved in the decision-making process that led 12:20:19
6 to your termination at Mariano's, correct? 12:20:24
7 A That is correct. 12:20:26
8 Q And because you didn't participate in that 12:20:29
9 discussion, you don't know specifically what 12:20:31
10 factors they considered when reaching their 12:20:34
11 termination decision, correct? 12:20:38
12 A Reiterate that question. 12:20:40
13 Q Sure. Because you didn't participate in 12:20:44
14 that discussion, you don't know what sort of 12:20:46
15 factors were considered or discussed during the 12:20:49
16 decision-making process, which resulted in your 12:20:56
17 termination, right? 12:21:00
18 A I was notified that it was the criminal 12:21:00
19 background. 12:21:03
20 Q Understood. And all you know is what you 12:21:03
21 were told, correct? 12:21:07
22 A By Crystal Brandon. 12:21:08
23 Q Is that correct? 12:21:09
24 A That is correct. 12:21:10

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

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1 Q Do you know who Amy Padgurskis is? And 12:21:12
2 I'll spell that for the record. Her first name is 12:21:23
3 [REDACTED] [REDACTED] Her second name is [REDACTED] 12:21:25
4 [REDACTED]. Do you know [REDACTED]? 12:21:31
5 A No. But the name sounds familiar, but I'm 12:21:37
6 not sure who that is. 12:21:40
7 Q Do you know who [REDACTED] -- her name is, 12:21:41
8 [REDACTED]. Second name, [REDACTED] [REDACTED]. Do you 12:21:45
9 know who [REDACTED] is? 12:21:50
10 A Not -- I can't -- that name don't sound 12:21:51
11 familiar at all. And I don't even know who that 12:21:54
12 is. No, I don't. 12:21:56
13 Q What about [REDACTED]? I'll spell 12:21:59
14 that for the record. [REDACTED] W. Second name 12:22:02
15 [REDACTED] [REDACTED]. Do you know who [REDACTED] 12:22:04
16 [REDACTED] is? 12:22:11
17 A His name sound familiar. 12:22:11
18 Q Do you know who he is? 12:22:13
19 A I can't recall right now his face by the 12:22:14
20 name, but the name sound familiar, though. 12:22:17
21 Q Do you know who -- [REDACTED]. First 12:22:17
22 name [REDACTED] [REDACTED]. Second name 12:22:20
23 [REDACTED] [REDACTED]. Do you know who -- 12:22:24
24 A Oh, no. I'm not sure who that is. 12:22:26

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

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1 Q You don't know who [REDACTED] is,
2 correct?

3 A Not familiar at all.

4 Q Do you know if -- Ms. [REDACTED]
5 Ms. [REDACTED] Mr. [REDACTED] or Mr. [REDACTED] do you know
6 if any of them ever worked at Mariano's?

7 A The name [REDACTED] that name sound familiar at
8 that Mariano's location.

9 Q So that name sounds familiar, but do you
10 know for a fact that she worked there?

11 A I just do not know for a fact that they
12 worked there, because I can't put their face by
13 the names. It's been over a year.

14 Q Do you know if any of those four people
15 have any type of criminal record?

16 A Now, that, I really don't know.

17 Q And do you know anything about the race or
18 color of any of these four individuals?

19 A That, I do not know either.

20 Q Have you ever seen any sort of the
21 employment records for any of these four
22 individuals?

23 A I have not that either.

24 Q Do you know -- if they worked at

12:22:29

12:22:33

12:22:33

12:22:34

12:22:37

12:22:37

12:22:40

12:22:47

12:22:47

12:22:50

12:22:51

12:22:54

12:22:58

12:23:00

12:23:02

12:23:04

12:23:06

12:23:08

12:23:11

12:23:13

12:23:15

12:23:18

12:23:19

12:23:20

1 Mariano's, do you know anything at all about the 12:23:24
2 facts and circumstances surrounding their 12:23:26
3 employment or the termination of their employment? 12:23:28
4 A That, I do not have a notice of either. I 12:23:32
5 don't know anything about them that I can think of 12:23:35
6 on that. 12:23:37
7 Q And can you identify any Mariano's 12:23:38
8 employee whose background checks revealed a prior 12:23:41
9 conviction involving the same type of crime for 12:23:45
10 which you were convicted but who wasn't terminated 12:23:49
11 as a result? 12:23:53
12 A That, I cannot even possess a knowledge 12:23:53
13 about because I just did not discuss people's -- 12:23:58
14 you know, I was not even discussed to about 12:24:01
15 someone else's prior priorities at Mariano's about 12:24:05
16 their, you know, their -- their privacy, rather, 12:24:09
17 put it like that. 12:24:11
18 Q You mentioned earlier that you filed a 12:24:18
19 grievance with the union? 12:24:22
20 A Yes, I did. And I have proof of that on 12:24:23
21 my phone. 12:24:27
22 Q I'm handing you what I'm marking as 12:24:28
23 Exhibit 14. 12:24:31
24 (Rudolph-Kimble Deposition Exhibit 14 12:24:31

1 marked for identification and attached to the 12:24:31
2 transcript.) 12:24:34

3 Q Is that a copy of the grievance that you 12:24:34
4 filed with the union? 12:24:36

5 A Markeisha Marshall. Yes, this is it. 12:24:37

6 Q And you filed that grievance with 12:24:42
7 Markeisha Marshall after your employment was 12:24:45
8 terminated, right? 12:24:50

9 A Yep. Yes. 12:24:51

10 Q And after your employment was terminated, 12:24:54
11 you also sent a letter to the company's human 12:24:57
12 resources department. Do you remember that? 12:25:03

13 A I do recall making a detailed letter about 12:25:06
14 -- yeah. I do, yes. 12:25:19

15 Q And I'm handing you what I'm marking as 12:25:21
16 Deposition Exhibit 15. And this is a copy of the 12:25:24
17 letter that you sent to Mariano's after your 12:25:26
18 employment was terminated, correct? 12:25:33

19 (Rudolph-Kimble Deposition Exhibit 15 12:25:33
20 marked for identification and attached to the 12:25:33
21 transcript.) 12:25:36

22 A Yes, I did. I actually -- I did this 12:25:36
23 myself. Yes, I did. 12:25:39

24 Q And you sent this letter to Kroger's human 12:25:40

1 resources department headquarters and executive 12:25:52
2 team, correct? 12:25:55
3 A Yes, I did. 12:25:55
4 Q And you sent it to Kroger's HR department 12:25:57
5 because you understand that Kroger owned 12:26:00
6 Mariano's? 12:26:02
7 A Yeah. Yes. Excuse my language. 12:26:03
8 Q And in this five-page letter, you let 12:26:06
9 Kroger's HR department know of all the various 12:26:14
10 problems that you experienced during the course of 12:26:17
11 your employment at Mariano's, right? 12:26:19
12 A Roughly so. 12:26:22
13 Q I mean, you talk about the discrimination 12:26:25
14 that you experienced, right? 12:26:29
15 A Yes. 12:26:31
16 Q You talk about the harassment that you 12:26:31
17 experienced, right? 12:26:33
18 A Yes. 12:26:34
19 Q You talk about your request for a 12:26:34
20 promotion, right? 12:26:38
21 A Yes. 12:26:40
22 Q And you wanted to make sure Kroger knew 12:26:41
23 everything and had all the facts about everything 12:26:45
24 that had happened to you during your employment at 12:26:48

1 Mariano's, right? 12:26:51

2 A This was roughly so. I may have left out 12:26:52

3 a couple things in there, in this facts. But this 12:26:55

4 was a majority as well inclusion with that 12:26:59

5 national -- my race, origin, my nationality. That 12:27:04

6 was the thing I may have not -- I think I had 12:27:12

7 forgot to leave that out of this. But I did 12:27:13

8 roughly speak about everything else that I could 12:27:16

9 think of at the time because I was so distraught 12:27:18

10 and damaged by Mariano's about what happened. And 12:27:22

11 then my girlfriend at home, you know, I had a baby 12:27:26

12 and this pregnancy and it was just a lot. 12:27:29

13 Q And you never -- strike that. 12:27:31

14 Do you have any idea at all if anybody 12:27:35

15 from Kroger's HR department or Mariano's HR 12:27:39

16 department, if they ever conducted any type of 12:27:43

17 investigation in response to receiving this letter 12:27:46

18 that you sent after your employment had 12:27:48

19 terminated? 12:27:50

20 A Well, I know that I conducted -- made an 12:27:51

21 attempt to get a conduction of investigation from 12:27:55

22 the EEOC, the IDHR, the Illinois Department of 12:27:58

23 Human Resources, EEOC, they all the same, and with 12:28:03

24 the Ban the Box, even with OSHA. And that's what 12:28:10

1 I remember doing. 12:28:19

2 Q Okay. My question is a little different. 12:28:19

3 A Okay. 12:28:21

4 Q Do you know if anybody from Mariano's HR 12:28:22

5 department ever investigated the allegations 12:28:26

6 contained in your letter, which we've marked as 12:28:29

7 Exhibit 15? 12:28:33

8 A I never got a response back from Mariano's 12:28:33

9 to notify me about this, so I do not know. 12:28:36

10 Q And the same thing with respect to Kroger. 12:28:39

11 You have no idea if anyone from Kroger's human 12:28:41

12 resources department ever conducted an 12:28:44

13 investigation with respect to the allegations that 12:28:47

14 you make here in your letter, which we've marked 12:28:49

15 as Exhibit 15, correct? 12:28:53

16 A That is correct. 12:28:55

17 Q Now, your letter here references and talks 12:28:58

18 about the statements that Crystal Brandon made 12:29:04

19 concerning you and, specifically, concerning your 12:29:11

20 beautiful skin. Do you remember that? 12:29:16

21 A Yeah. 12:29:18

22 Q And you write in your letter here that on 12:29:20

23 February 8, 2022, in the afternoon, you overheard 12:29:26

24 Crystal Brandon say, quote, We have a new hire. 12:29:34

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

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1	His name is Brandon Kimble. Beautiful skin. I	12:29:38
2	would fuck him. I wonder if he got a big dick or	12:29:42
3	not. And he is working in meat/deli department.	12:29:46
4	End quote.	12:29:51
5	A That's what I overheard, so --	12:29:52
6	Q That's what you wrote in your letter,	12:29:55
7	right?	12:29:57
8	A That's what I wrote down.	12:29:57
9	Q And that's what you overheard, right?	12:29:58
10	A Yes.	12:30:00
11	Q Where were you when you overheard this?	12:30:01
12	A Clock-in/clock-out box.	12:30:03
13	Q And this was on February 8th, 2022, right?	12:30:07
14	A Orientation date.	12:30:11
15	Q Your first day of work, correct?	12:30:12
16	A Yes.	12:30:14
17	Q I'm sorry. Yes?	12:30:14
18	A Yes.	12:30:15
19	Q And you write in your letter here that	12:30:16
20	Crystal could not see me listening to this comment	12:30:20
21	by her and another associate, right?	12:30:23
22	A Yes.	12:30:27
23	Q So where was Crystal when she made this	12:30:27
24	comment?	12:30:35

1 A We have computers with a little section of 12:30:36
2 cubitals [sic]. So you -- it's kind of higher up. 12:30:41
3 It's, like, nearly, you know, 4-foot-tall, 12:30:46
4 5-feet-tall cubitals. The clock-out box is right 12:30:50
5 there in front of -- on the other end, the angle 12:30:50
6 of that cubital, that little -- like a, you know, 12:30:55
7 rectangular cubital -- 12:30:59
8 Q So is this -- 12:30:59
9 A -- and I'm standing there, you know, and I 12:31:00
10 overheard that comment made. And they didn't know 12:31:02
11 I was actually standing right there. 12:31:04
12 You cannot see me from the clock-out box 12:31:07
13 because they actually would hide -- the cubital 12:31:09
14 would hide the people sitting down at the table 12:31:10
15 within that cubital, and then I'm standing up at 12:31:13
16 the clock-out box and then overhearing that. So 12:31:16
17 that's why they would not be able to overhear. 12:31:20
18 It's like they may not notice me standing right 12:31:22
19 there when I'm overhearing, so -- 12:31:24
20 Q So this area in the store where this 12:31:26
21 occurred, this is a private area in the store, 12:31:29
22 it's not a public area of the store where 12:31:31
23 customers go? 12:31:34
24 A It's actually public. And it's public 12:31:35

1 area in the store. But because of that cubital, 12:31:37
2 it separates you from being in the public 12:31:37
3 atmosphere or seeing the public atmosphere or the 12:31:40
4 public atmosphere seeing you. 12:31:42

5 So the clock-out box is on the outside of 12:31:44
6 that cubital on the wall, and then the customer 12:31:47
7 service is right next to it. And I went to that 12:31:51
8 slot, that little -- you know, where you know you 12:31:53
9 cannot see me standing there, and they're sitting 12:31:57
10 there talking and sitting down talking within the 12:31:59
11 cubital. You know what I mean? 12:32:02

12 So that's what I could overhear, you know, 12:32:03
13 commentary, you know. But they can't see me 12:32:07
14 standing right there because the cubital is hiding 12:32:11
15 me from them and them from me as well. 12:32:13

16 Q All right. So she couldn't see you 12:32:15
17 because the cubicle wall was in the way, correct? 12:32:17

18 A That's the truth. 12:32:20

19 Q And because she couldn't see you, you 12:32:20
20 couldn't see her either because of the cubicle 12:32:26
21 wall, right? 12:32:28

22 A Well, I knew her voice. I heard the 12:32:29
23 voice. And I walked past and I over -- and I come 12:32:32
24 back around. She's sitting right there. So she 12:32:36

1 was in the spot when I had to go back on to the 12:32:38
2 computer in orientation to do my -- to do my 12:32:40
3 tutorials. Then I could see them sitting there, 12:32:43
4 you know, the parties that were speaking. They 12:32:46
5 was just right there. So I did actually hear, but 12:32:48
6 I could not see and see that was actually the 12:32:52
7 parties that was sitting right there talking. 12:32:54
8 Q All right. So just so it's clean for the 12:32:55
9 record -- 12:32:58
10 A Yeah. 12:32:58
11 Q -- when Ms. Brandon spoke these words, she 12:33:01
12 could not see you at the time, and, at that 12:33:05
13 moment, you could not see her either, correct? At 12:33:09
14 that moment. 12:33:16
15 A At that moment, I did not see her. 12:33:16
16 Q It was only afterwards that you saw where 12:33:18
17 she was sitting and you saw her sitting with 12:33:21
18 somebody else, correct? 12:33:24
19 A That is correct. 12:33:25
20 Q And you inferred, based upon the sound of 12:33:26
21 the voice that you heard, that it was Ms. Brandon 12:33:30
22 who made this inappropriate comment about your 12:33:33
23 beautiful skin? 12:33:39
24 A Yeah. I did hear her say that, so -- 12:33:40

1 Q And you're inferring that based upon the 12:33:43
2 sound of her voice and what you heard, right? 12:33:46

3 A I'm -- based upon that, on the location 12:33:48
4 where she was sitting and then the sound of her 12:33:50
5 voice as well and where I was positioned and then 12:33:52
6 me seeing her after the fact. 12:33:55

7 Q And then you write in your letter here 12:33:56
8 that you did not report -- 12:33:58

9 A I did not report it -- 12:34:00

10 Q -- you didn't report the comment that -- 12:34:02

11 A It was an orientation day. I'm trying to 12:34:03
12 keep a job. 12:34:06

13 Q All right. So just so the record is clear 12:34:06
14 and we're not talking over each other, it is 12:34:09
15 correct to say that you never reported the 12:34:13
16 comments that you heard Ms. Brandon make on 12:34:15
17 February 8, 2022, correct? 12:34:18

18 A I never reported that. That's correct. 12:34:19

19 Q And do you know who Lindsay Flesher is? 12:34:22

20 A I've seen -- I've heard her name as well. 12:34:24
21 I've seen -- she's familiar. I just can't picture 12:34:28
22 her face right at the moment. 12:34:31

23 Q I'm going to hand you what I'm marking 12:34:33
24 here as Deposition Exhibit 16, which, in turn, has 12:34:48

1 a bunch of exhibits to it. 12:34:53

2 (Rudolph-Kimble Deposition Exhibit 16 12:34:56

3 marked for identification and attached to the 12:34:56

4 transcript.) 12:34:57

5 Q And I'll represent to you that this is a 12:34:57

6 signed declaration of Lindsay Flesher. And if you 12:34:59

7 want to take a minute to look through that, I just 12:35:06

8 have one or two quick questions. 12:35:09

9 A So what is all -- Exhibit 16, is this her? 12:35:42

10 Q Exhibit 16 is her sworn declaration. And, 12:35:48

11 really, you know, my question for you is, as 12:35:52

12 you're sitting here today, do you see anything in 12:35:54

13 here that she's written in her declaration that 12:35:55

14 you know for a fact is just simply false and 12:36:00

15 untrue? 12:36:02

16 A Reiterate the question again. 12:36:02

17 MR. GRIESMEYER: Sure. I'll actually ask 12:36:02

18 Court to read it back for you. 12:36:02

19 (Pending question read.) 12:36:02

20 A Well, it's saying that -- yes, I do. 12:36:14

21 Because it's saying that my criminal report, I was 12:36:17

22 dishonest. And it was reported in my criminal 12:36:22

23 background of dishonesty. 12:36:26

24 Q All right. So you take -- you take issue 12:36:28

1 with her characterization of that, right? 12:36:30

2 A Yeah, I do. 12:36:32

3 Q Okay. I understand. But that's not my 12:36:33

4 question. My question is -- 12:36:36

5 A That's wrong. 12:36:37

6 Q My question is, is there anything that she 12:36:38

7 has written in this declaration that you know is 12:36:42

8 factually not true, not that, you know, she -- how 12:36:46

9 she characterizes something -- 12:36:51

10 A I'm going to tell you what's not true, is 12:36:53

11 that I reported that I've been -- it's saying that 12:36:56

12 I've been -- it says that based upon my 12:36:59

13 termination me, myself, the plaintiff, employment 12:37:01

14 because I've had a convicted crime of dishonesty 12:37:03

15 as reported on his criminal background report and 12:37:07

16 not on any other factor. 12:37:11

17 Well, okay. That's what I -- okay. Did 12:37:13

18 not participate -- 12:37:17

19 THE STENOGRAPHER: Sorry. If you're 12:37:24

20 reading, just read to yourself. 12:37:25

21 A Give me a moment and let me read this. 12:37:28

22 Q Okay. And so it sounds like -- what you 12:37:28

23 just read there, it sounds like you don't actually 12:37:28

24 think what she wrote in that paragraph is false? 12:37:31

1	A	Let me read it --	12:37:38
2	Q	Okay. Please.	12:37:38
3	A	-- before I answer.	12:37:40
4	Q	Please.	12:37:56
5	A	This is where I disagree at.	12:40:22
6	Q	What paragraph?	12:40:25
7	A	Paragraph 36. It says, During the tenure	12:40:26
8		of Plaintiff's employment at Mariano's -- I do not	12:40:30
9		disagree. Let's just let that go. Let's let that	12:40:38
10		go. Let me read again before I clear my answer.	12:40:42
11	Q	Okay.	12:40:45
12	A	Give me a second.	12:40:46
13	Q	Mm-hmm.	12:40:47
14	A	Okay. I'm ready to answer.	12:43:41
15	Q	Okay.	12:43:43
16	A	My answer is this. It's Article 17 in	12:43:44
17		Lindsay Flesher's affidavit. It says, In	12:43:51
18		accordance with these policies and procedures,	12:43:54
19		Mariano's sent written notice of the	12:43:57
20		unsatisfactory background results along with a	12:43:59
21		copy of the background report itself and a summary	12:44:03
22		of consumer protection rights under the Fair	12:44:06
23		Credit Report Act to the plaintiff on February the	12:44:08
24		28th, 2022. A true and correct copy of Mariano's	12:44:10

1 written notice was enclosed to Plaintiff Bates 12:44:10
2 labeled for production in discovery as 12:44:22
3 D000115-D000127 is attached as Exhibit G. I never 12:44:26
4 received it. 12:44:30

5 Q Okay. 12:44:31

6 A That's what I never -- I never received 12:44:32
7 that on February the 28th of 2022. 12:44:35

8 Q So other than that one paragraph, there's 12:44:38
9 nothing in that affidavit that strikes you as 12:44:40
10 factually untrue? 12:44:44

11 A Well, another thing that factually baffles 12:44:45
12 me, it was that I was terminated of -- 12:44:52

13 Q Well -- 12:44:55

14 A -- and this -- what Lindsay Flesher has to 12:44:57
15 say -- I'm going to answer the question. 12:44:59

16 Q Well, hold on a second, though, because 12:44:59
17 you're not answering the question. You said you 12:45:03
18 were factually baffled by something. I'm not 12:45:04
19 asking if there's anything in there that you don't 12:45:07
20 understand or if there's anything in there that 12:45:07
21 you weren't privy to. 12:45:09

22 What I'm asking is, is there anything in 12:45:09
23 that affidavit, other than paragraph 17, that you 12:45:12
24 claim is factually untrue, that Lindsay Flesher is 12:45:15

1 lying in her declaration when she writes this? 12:45:19

2 A She is lying concerning this criminal 12:45:25

3 background check, me receiving it. But, also, 12:45:32

4 she's lying about the procedural way and the 12:45:37

5 policy way of handling it -- 12:45:40

6 Q Okay. 12:45:42

7 A -- accordingly to the state of Illinois 12:45:44

8 law. 12:45:47

9 Q Okay. All right. So other than that, 12:45:47

10 nothing else, right? 12:45:50

11 A That's it. 12:45:51

12 Q Okay. So what she says in paragraph 17 is 12:45:52

13 that the company mailed a copy of that report. 12:45:58

14 She doesn't say that you received it. She just 12:46:05

15 said the company mailed it, right? 12:46:08

16 A She says that. 12:46:11

17 Q Right. So she never said, I affirm and 12:46:12

18 swear under oath that Brandon Rudolph-Kimble 12:46:17

19 received this. She's simply saying that the 12:46:20

20 company sent it, right? 12:46:24

21 A That's what she's simply saying. 12:46:26

22 Q And the company very well could have sent 12:46:28

23 it and you simply didn't receive it, right? 12:46:32

24 A That could be the case. 12:46:34

1 Q Okay. 12:46:34

2 A That could be. That's speculation. But 12:46:35

3 that could be the case. But I know for a fact, 12:46:37

4 under oath, she is not testifying policy and 12:46:43

5 procedure handling me as an employee of Mariano's 12:46:47

6 concerning my termination on my criminal 12:46:53

7 background report -- 12:46:56

8 Q Okay. 12:46:57

9 A -- and my termination. The policies and 12:47:00

10 procedures according to the state of Illinois law 12:47:01

11 as an employee, she did not follow that. 12:47:03

12 Q Okay. So when you were reading her 12:47:05

13 affidavit and she says policies and procedures, 12:47:08

14 you're interpreting that to mean statutory 12:47:10

15 requirements of the state of Illinois, correct? 12:47:14

16 That's what you're interpreting that to mean? 12:47:16

17 A That it's a basis on the procedural way of 12:47:18

18 doing things, yes, it's on that -- it's the basis 12:47:21

19 for that. Yes. 12:47:25

20 Q But you never worked in Mariano's HR 12:47:26

21 department, right? 12:47:29

22 A I've never worked in their department, no. 12:47:30

23 Q So you don't know what Mariano's policies 12:47:33

24 and procedures are with respect to criminal 12:47:35

1 background check reports, right? You don't know 12:47:37
2 what those procedures are because you never worked 12:47:40
3 in that department, right? 12:47:43

4 A But what I do know, that it's supposed to 12:47:44
5 be according to be state of Illinois law. And it 12:47:46
6 was not. And that's what I found it to be. And 12:47:48
7 the basis of it. It was not according to the 12:47:50
8 policies and procedures and the laws of the state 12:47:52
9 of Illinois. I was terminated illegally. I know 12:47:54
10 that for a fact. 12:47:57

11 Q Okay. And you believe you were terminated 12:47:58
12 illegally in violation of the Illinois Ban the Box 12:48:01
13 Act, right? 12:48:04

14 A And the Job Qualified Act as well, yes. 12:48:04

15 Q Okay. But, again, you don't know what 12:48:06
16 Mariano's policies and procedures actually are, 12:48:09
17 correct? 12:48:12

18 A I've never received their policy and 12:48:13
19 procedures that I can recall from them, no. But I 12:48:19
20 have received for the state of Illinois concerning 12:48:22
21 employee law and concerning state of Illinois law 12:48:25
22 for employees. So they have a basis to comment 12:48:30
23 with that on my name. And they didn't do that. 12:48:36
24 It was illegal. And there's damage, punitive 12:48:37

1	damage behind it on my name.	12:48:41
2	Q Okay. And that's your conclusion?	12:48:42
3	A That is the conclusion.	12:48:44
4	Q That's your conclusion?	12:48:45
5	A That is the conclusion.	12:48:46
6	Q Okay. And you're aware that, in this	12:48:47
7	case, our court requires the parties here to	12:48:50
8	submit a supplemental joint status report advising	12:48:55
9	the Court on the status of discovery as well as a	12:48:58
10	proposal for a summary judgment briefing. You	12:49:01
11	remember Judge Rowland said that at the last	12:49:06
12	hearing we were at? Do you recall?	12:49:09
13	A That we have to do a joint status report	12:49:10
14	further.	12:49:13
15	Q You recall that?	12:49:14
16	A I do recall that on -- right before my	12:49:15
17	birthday.	12:49:18
18	Q All right. Here. I'm handing you -- I've	12:49:18
19	marked it as Exhibit 17. And this is a proposed	12:49:21
20	joint status report. I want you to take a look at	12:49:24
21	that and let me know if this is okay for you, if	12:49:27
22	you have any changes you want to make to it, or if	12:49:31
23	it was okay for us to go ahead and file it.	12:49:34
24	(Rudolph-Kimble Deposition Exhibit 17	12:49:37

1 marked for identification and attached to the 12:49:37
2 transcript.) 12:51:00
3 A It says, The defendant has not yet 12:51:00
4 received a copy of the deposition transcript. 12:51:02
5 Q That's right. Because what will happen 12:51:04
6 after the deposition is over is we'll order a copy 12:51:08
7 of the transcript and Court here is going to 12:51:11
8 prepare a written transcript. That's why he has 12:51:13
9 that machine there. That's why he's been typing 12:51:15
10 down everything that we're saying today. So, 12:51:18
11 obviously, I haven't received the transcript nor 12:51:20
12 have you, because -- 12:51:23
13 A Well, after this case, I would like to 12:51:25
14 have an order as well -- an order of this 12:51:27
15 deposition transcript as well. 12:51:27
16 Q Okay. 12:51:29
17 A Plaintiff's response in opposition to 12:51:58
18 Defendant's motion in summary judgment will be due 12:52:02
19 14 days thereafter. So I have 14 days to respond? 12:52:05
20 Q Unless you would like more time. Do you 12:52:20
21 want more time? 12:52:23
22 A Let's keep it that way. 12:52:24
23 Q Okay. 12:52:27
24 A 14 days to respond in opposition to 12:52:27

1 Defendant's motion for summary judgment will be 12:52:30
2 due 14 days thereafter. 12:52:33

3 Q Okay. 12:52:34

4 A Well, what I do disagree with is that I 12:53:35
5 did send those 8 through 14 interrogatories to you 12:53:40
6 on February the 6th as well, 2023. I just showed 12:53:43
7 you that. And you didn't pick that up from 12:53:47
8 Abernathy -- well, Abernathy. That's the name 12:53:50
9 that I sent it to as well, so you received it in 12:53:56
10 your office. 12:54:01

11 Q Okay. So if we put -- 12:54:02

12 A 8 through 14 interrogatory answers. 12:54:04

13 Q All right. So hold on a second. 12:54:06

14 If we put a final sentence on that 12:54:08
15 paragraph that says, Plaintiff contends that he 12:54:11
16 submitted his answers to interrogatories 8 through 12:54:15
17 14 on February 6th, 2023, that would be fine? 12:54:19

18 A Let's do that. 12:54:23

19 Q Okay. 12:54:24

20 A And it says, Has not supplemented his 12:54:39
21 discovery responses since then. So I still have 12:54:42
22 until March 15th to do any discovery to get over 12:54:54
23 to you; am I right? 12:54:58

24 Q I believe the Court's current schedule -- 12:55:00

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

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1	A	March 15, 2023.	12:55:05
2	Q	The Court's current schedule calls for the	12:55:07
3		close of discovery on March 15th.	12:55:10
4	A	So I can send you discovery. If I have	12:55:12
5		any more further discovery, I can up until March	12:55:16
6		15th, 2023 to be considered. After that, it's the	12:55:20
7		deadline. Okay. Let's go ahead and go forward	12:55:24
8		and push it on through there.	12:55:29
9	MR. GRIESMEYER:	Okay. We'll get that on	12:55:31
10		file. All right. So at this point, those are all	12:55:32
11		the questions that I have for you today during the	12:55:33
12		deposition.	12:55:35
13		What's going to happen now is, like I	12:55:36
14		mentioned, the court reporter here is going to	12:55:38
15		prepare a written transcript of today's	12:55:41
16		deposition. And you have the right to go to the	12:55:44
17		court reporter's office, if you would like, to	12:55:47
18		read a copy of that deposition transcript before	12:55:50
19		it's finalized and to correct any type of	12:55:52
20		typographical errors. You cannot correct	12:55:58
21		substantive testimony or anything like that. But	12:56:00
22		if it's a misspelling of a name or a typographical	12:56:03
23		error, then you can, you know, note that change.	12:56:08
24		Or if you think Court here has done his	12:56:11

Transcript of Brandon Rudolph-Kimble

Conducted on March 13, 2023

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1 job and has accurately recorded everything that 12:56:14
2 we've said here without making any typos, then you 12:56:17
3 can waive that right. So it's up to you. What 12:56:21
4 would you like to do? 12:56:24

5 THE WITNESS: Let's keep it going forward. 12:56:25

6 MR. GRIESMEYER: Okay. So we'll say that 12:56:28
7 signature is reserved. And that's all we have. 12:56:31

8 THE WITNESS: All right. 12:56:35

9 THE VIDEOGRAPHER: Okay. We are going off 12:56:37
10 record. The time is 12:56 p.m. 12:56:38

11 (Off the record at 12:56 p.m.)
12
13
14
15
16
17
18
19
20
21
22
23
24

1 ACKNOWLEDGMENT OF DEPONENT

2 I, BRANDON RUDOLPH-KIMBLE, do hereby
3 acknowledge that I have read and examined the
4 foregoing testimony and the same is a true,
5 correct, and complete transcription of the
6 testimony given by me and any corrections appear
7 on the attached errata sheet signed by me.
8
9
10
11

12 _____
(SIGNATURE)

(DATE)

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2
3 I, Courtney Petros, Registered
4 Professional Reporter, Certified Shorthand
5 Reporter and Notary Public, the officer before
6 whom the foregoing deposition was taken, do hereby
7 certify that the foregoing transcript is a true
8 and correct record of the testimony given; that
9 said testimony was taken by me and thereafter
10 reduced to typewriting under my direction; that
11 reading and signing was requested; and that I am
12 neither counsel for, related to, nor employed by
13 any of the parties to this case and have no
14 interest, financial or otherwise, in its outcome.

15 IN WITNESS WHEREOF, I have hereunto signed
16 this 23rd day of March, 2023.

17 My commission expires: May 6th, 2023.

18
19 
20

21 COURTNEY PETROS, RPR, CSR

22 NOTARY PUBLIC IN AND FOR THE

23 STATE OF ILLINOIS
24

A			
a-m-y	action	africa	agree
94:3	15:4, 16:24	22:15	61:22, 62:17,
abernath@grglegal	actual	african	64:5, 64:8
29:1	53:7, 68:23,	22:11	agreement
abernathy	73:23, 78:22,	africans	4:20, 69:22,
115:8	87:6, 87:10	22:12	72:7, 73:6,
ability	actually	after	73:15, 73:18,
13:9, 18:13,	10:5, 22:1,	34:16, 34:21,	89:12
60:1, 92:2	27:9, 30:20,	34:23, 57:18,	ahead
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